Supreme Court, U.S.
FILED
MAY 6 - 2005
OFFICE OF THE CLERK

No. 04-1493

In The

Supreme Court of the United States

Anita J. Vedder, *et vir*,

Petitioner,

v.

WASHINGTON MUTUAL BANK, FA, *et al.*,

Respondents.

A Petition, In The Nature Of A *Respectful* Sovereign Demand, For A Common-Law Writ Of Certiorari By A Repatriated Petitioner To The United States Court Of Appeals For The Sixth Circuit

ANITA J. VEDDER, *et vir*,
Repatriated Sovereign,
pursuant to 8 U.S.C. § 1481(a)(6),
Petitioner,

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In Care of 1000 Kilgrow Court
Smyrna,
Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

Questions Presented for Review

The questions presented for review by this case are three-fold:

Relevant to Petitioner's sovereignty before any government instrumentality:

1. ***Does the act of expatriation***, pursuant to 8 U.S.C. § 1481(a)(6) and (b), from the corporate UNITED STATES, when coupled simultaneously and affirmatively with repatriation to the respective organic Republic state(s) of the United States of America, ***make a petitioner constitutionally sovereign, and thereby diverse, from respondents within the limited jurisdiction of the federal courts***, pursuant to 28 U.S.C. § 1332?

2. **Are officers of statutory courts**, both federal and state, ***required by their Oaths to recognize and acknowledge the sovereignty of private citizens*** who have relinquished their 14th Amendment citizenship (in the democracy) to reclaim their full and complete Non-juristic Status and true citizenship in the Republic(s)? If not, what is the 28 U.S.C. citation that releases, or otherwise permits, discretion to recognize, or not, the requirements of *Article VI, Section 4 of the U.S. Constitution*, i.e., that "the United States shall guarantee to every State in this Union a Republic an Form of Government, and shall protect each of them against Invasion"?

3. Relevant to the implementation of 8 U.S.C. § 1481(a)(6) and (b), and the hearing of a justiciable controversy between parties, can the statutory courts lawfully order or require this Repatriated Petitioner to relinquish her *et vir* sovereign status, *as a contingent condition* for seeking redress of her legitimate 1st

Questions Presented for Review – Continued

Amendment grievance, by forcing her to proceed *pro se* in submission before the inferior tribunal? If so, please provide the specific lawful basis upon which they are permitted to do so.

Parties To The Proceeding

Petitioner is:

IN ADMIRALTY:
Anita J. Vedder, *et vir*,

Petitioner,

v.

Respondents are:

IN REM:
WASHINGTON MUTUAL BANK, FA,
and its now variously subsumed divisions;
NORTH AMERICAN MORTGAGE COMPANY and
HOMESIDE LENDING;
NORTH AMERICAN MORTGAGE COMPANY, the original, WASHINGTON MUTUAL BANK, INC., the PARENT CORPORATION; SHAPIRO & KIRSCH, LLP Attorneys At Law, Defendants, in its official capacity
FEDERAL NATIONAL MORTGAGE ASSOCIATION;

IN LAW:
KERRY K. KILLINGER, CHAIRMAN, CEO & PRESIDENT WASHINGTON MUTUAL BANK, FA, and WASHINGTON MUTUAL, INC., Defendant, in his official capacity: Kerry K. Killinger, in his individual capacity

LIZ PAPKE, VICE PRESIDENT
WASHINGTON MUTUAL BANK, FA, Defendant,
in her official capacity Liz Papke, in her individual capacity

TIM FERGUSON, TRUSTEE
NORTH AMERICAN MORTGAGE COMPANY,
Defendant, in his official capacity
Tim Ferguson, in his individual capacity

DENISE HARASEVEAT, TRUSTEE
WASHINGTON MUTUAL BANK, FA, Defendant,
in her official capacity Denise Haraseveat, in her individual capacity

Parties To The Proceeding – Continued

JOE M. KIRSCH, PARTNER, Attorney At Law
SHAPIRO & KIRSCH, LLP,
Joe M. Kirsch, in his individual capacity

D. DENISE GRIFFIN, Associate Attorney
SHAPIRO & KIRSCH, LLP,
D. Denise Griffin, in her individual capacity

KRISTY RESPESS, Compliance Paralegal
SHAPIRO & KIRSCH, LLP
Kristy Respess, in her individual capacity

JACIE SULLENDER, Legal Assistant
SHAPIRO & KIRSCH, LLP
Jacie Sullender, in her individual capacity

100 unnamed Does

Respondents

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This petition should be granted because it conforms to multiple requirements of this body's governing review on certiorari, pursuant to USSC Rule 10, in that:

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B.	Petitioner knows that she is sovereign, having exercised her 14th Amendment recourse and remedy, pursuant to 8 U.S.C., Aliens and Nationality, § 1481(a)(6) and (b) and thus, has reclaimed her republic an dominion over all government instrumentalities. The *de facto* government, however, has systematically and systemically, refused to recognize the *de jure* liberty and property rights of this Petitioner inherent in that sovereignty	13

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1. The opinion or decision from which the Petitioner is appealing:

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09-21-04 Order of Dismissal of Petitioner's Appeal

2. Relevant opinions, orders, findings of fact or conclusions of law:

USDC – MIDDLE TENNESSEE Preemptive Foreclosure #3:05-0239
Vedder v. WASHINGTON MUTUAL BANK, FA, et al.
03-29-05 Order of Dismissal

USDC – MIDDLE TENNESSEE Ultra Vires #3:03-0925
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TENNESSEE COURT OF APPEALS
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03-08-04 Order to Deny Bringing Forth Supplemental Record from Circuit Court, Including Appellant's Motion to Restore Non-juristic Status

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02-13-04	Order granting Plaintiff-Appellant's Supplemental Designation of the Record
12-16-03	Order of Denial of Plaintiff's Verified Petition to Vacate a Void Order of June 11, 2003, granting Defendants' Motion to Dismiss
06-11-03	Final Order of Dismissal

3. The order on rehearing denied:

USCA – 6th Circuit: #04-5979
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Jurisdictional Statement of the Supreme Court of the United States

Jurisdiction of this court is derived from Article III, Section 1 and 2 of the US Constitution, (B-158), and 28 U.S.C. § 1254(1), (B-158). Pursuant to USSC Rule 22, on February 16, 2005, Associate Justice John Paul Stevens granted Petitioner an extension of time by to May 06, 2005 to file this petition, (A-1).

There is a possibility that one or both 28 U.S.C. § 2403(a) and (b), may apply in these cases; furthermore, this is to notice the Supreme Court of the United States that Petitioner has expatriated to the Republic state of Tennessee from the corporate UNITED STATES and its sub-entities and has copyrighted her name, in all variations, which is on file in the STATE OF TENNESSEE SECRETARY OF STATE and the REGISTER of RUTHERFORD COUNTY, TENNESSEE REGISTER OF DEEDS, respective offices, (B-6).

Constitutional or Statutory Provisions Involved

The Constitutional and statutory provisions involved in this matter are the Constitution of the United States, Amendments I-X, inclusive, Article I, Section 10, Article III, Sections 1 and 2, Article IV, Section 4, The Constitution of the Republic state of Tennessee, dated August 30, 1834, 8 U.S.C. § 1481(a)(6) and (b), 28 U.S.C. § 1331, 28 U.S.C. § 1332, 28 U.S.C. § 1333, 28 U.S.C. § 1343, 42 U.S.C. § 1985, 49 U.S.C. § 80113, and 49 U.S.C. § 80116.

Statement of Material Facts

The core issue in each of these cases, as well as in the 8th Circuit collateral case of White v. Tscherter, *et al.*, USSC No. 04-1358, turns on the existence or absence thereof of Petitioner's constitutional sovereignty, pursuant to 8 U.S.C. § 1481(a)(6) and (b), (B-161), based on her Declaration of True Citizenship and Non-juristic Status, (B-121), as hand-delivered to the UNITED STATES

DEPARTMENT OF JUSTICE on March 15, 2004 and the absence of verification and validation of an alleged debt.

Article I courts have systematically denied Petitioner's repatriated status as sovereign. In doing so, they continue to unlawfully affirm and treat her as a ***"res-ident" of the corporate STATE OF TENNESSEE***, denying reclamation of Petitioner's common law rights as re-established in the organic ***Republic*** state of Tennessee, set out originally upon entry into the union of the united States by its Tennessee Constitution, dated August 30, 1834.

Government, insisting upon its own dominion, without evidence of its statutory authority, acts "as if" Petitioner is supposed to be in submission to itself, pursuant to the 14th Amendment. Petitioner is not a bar-licensed or law-school trained attorney. From her first foray into the judicial system on August 09, 2002, she has filed her pleadings . . . however awkwardly, from a sovereign ***et vir status***.

Major changes began to occur in Petitioner's understanding of the inter-relationships of political history, economics, and the law when, around mid-May 2002, she learned two critical pieces of information that were to change her life radically:

a.) that there was a lawful statutory alternative at her disposal to restore her citizenship to the organic Republic state of Tennessee from the corporate UNITED STATES ***and***

b.) that there was a distinct possibility that the principals of her mortgage company had committed a substantial *ultra vires* fraud against her in the execution of a refinance of her home mortgage on July 6, 1999.

These separate issues would become intimately intertwined in every aspect of her life within seven litigatory actions that were to follow. The bounds of her physical, emotional, mental, spiritual, financial, political and social experience would be severely tested as Petitioner

defended her liberty and property rights against an adversary that seemed at times about to overcome her completely.

From the beginning, Petitioner had no idea that three years hence, she would be pleading these very issues before the supreme judicial body of this nation. Neither did she fully anticipate or appreciate the systemic extent to which officials of various government instrumentalities would attempt to usurp the power of a sovereign and systematically deviate ***so far*** from their constitutional obligations of service. Petitioner soon learned the significant personal difference between "knowing about" and "experiencing first hand" the overwhelming tactics of a police state to which some government functionaries would descend to assert their 14th Amendment power and control over her.

Once Petitioner learned about the lawful alternative at 8 U.S.C. § 1481, ***and understood the obligations and responsibilities inherent thereto***, she executed and filed her Declaration of True Citizenship and Non-juristic Status by registered mail with President George W. Bush on June 17, 2002, (B-10). On July 01, 2002, she notified Supreme Court of the United States Chief Justice William Hubbs Rehnquist, (B-109), former IRS Commissioner Charles O. Rossotti, (B-112), STATE OF TENNESSEE Governor Don Sundquist, (B-118), and STATE OF TENNESSEE Chief Judge Frank W. Drowota III, (B-115), by registered mail, of her communication to the President that she wished to voluntarily expatriate from the corporate UNITED STATES. She mailed to each a copy of the 38-page documentation that she had mailed to the President on June 17, 2002. The Declaration itself allowed each functionary twenty (20) days in which to provide contravening evidence to refute the claims of Petitioner's Declaration, investigate her personal activities as a possible terrorist and show that her expatriation was other than

voluntary, pursuant to 8 U.S.C. § 1481(b). Petitioner heard nothing in response from any official with whom she had communicated.

In the meantime, in mid-August, 2003, Petitioner learned that the ***manner*** *in which she had expatriated* was not totally compliant with the terms of the expatriation statute. Petitioner, therefore, in the company of the Whites, her Co-Petitioners of docketed USSC No. 04-1358, ***perfected*** her original expatriation to become fully compliant with 8 U.S.C. § 1481(a)(6) and (b) on March 15, 2004. On that date, she hand-delivered her Declaration to *one*, Barry C. Hansen, (B-121), in the Office of General Counsel, in Washington, D.C., charged with the responsibility of receiving all suit, treaty and ***other*** papers on behalf of the UNITED STATES at the US DEPARTMENT OF JUSTICE.

Mr. Hansen, serving as the statutorily-designated officer of former Attorney General John D. Ashcroft, refused to acknowledge receipt of the hand-delivered Declarations. Therefore, Petitioner and the Whites prepared a notarized cross-affidavit of witness for each other on March 16, 2004 to the transaction of the previous day in the Office of General Counsel, (B-124).

Petitioner followed up the hand delivery with a certified mail delivery on March 16th and further, sent by certified mail, a formal Notice of Default on August 25, 2004, (B-127). She then hand delivered the Notice of Default again to JUSTICE when she returned to Washington, D.C. on August 30, 2004. As in 2002, there was no response from the UNITED STATES DEPARTMENT OF JUSTICE within, after, ***or ever*** to the expatriation notice therein.

The text of the document makes clear on page two that Petitioner had expatriated ***only*** from the ***corporate*** UNITED STATES, while retaining her United States citizenship in and "repatriating" to the Republic state of Tennessee, where she has lived on the native dirt of her

posted land. At no time was she a "woman without a country", the effectiveness of her Declaration making certain that her original common law rights were instantaneously restored to her as she relinquished her 14th Amendment trustee status, pursuant to the Emergency Banking and War Powers Acts of March 9, 1933. Petitioner was therefore statutorily restored, as "Anita J. Vedder", *et vir*, under the provisions of 8 U.S.C. § 1481(a)(6) and (b). Statutory approval, pursuant to 8 U.S.C. § 1481(b), was granted by the UNITED STATES DEPARTMENT OF JUSTICE as an axiom of law and unrebutted legal fact in evidence when ***JUSTICE*** failed to bring forth or rebut any evidence to the contrary that showed Petitioner was anything other than what she averred. Her claim has ***remained*** unrebutted by all government officials, by JUSTICE and all statutory courts on all occasions to this date, pursuant to 8 U.S.C. § 1481(b).

During this same period, Petitioner set out to verify and validate the true status of the debt obligation of her alleged mortgage, if any did still so exist. Petitioner planned to file suit against the lender, provided she could be certain that they had exceeded the terms of their corporate charter by lending the bank's credit to Petitioner – instead of tendering a loan of money to her, as they had advertised.

In accord with the 15 U.S.C. § 1692g, Petitioner initiated the first of three administrative processes, asking Kerry K. Killinger, in both his private and official capacities as Chairman, President and Chief Executive Officer of NORTH AMERICAN MORTGAGE COMPANY, the then "note holder", to validate and verify the debt under oath. On May 29, 2002, Petitioner generally stated her case and circumstances to Mr. Killinger and tendered to him an explicit offer to pay the debt in cash, ***contingent upon*** his verification and validation of the obligation.

On June 11, 2002, Petitioner filed a second notice of claim, this time demanding a T-accounting of all funds

deposited and dispersed from the account set up in her name. Respondent Killinger failed to respond to any communication and was already in default on August 09, 2002, when Petitioner received a first acknowledgment from *one*, Laurie A. Ranieri, Assistant Vice President of NAMC Mortgage Loan Operations, in Albion, NY, indicating that all communications had been forwarded to *one*, David Riedel, no title, at an address in Northridge, California.

Therefore, pursuant to Respondents' indication, a very naive Petitioner filed suit in RUTHERFORD COUNTY CIRCUIT COURT on August 09, 2002, as an "American national", against Riedel and the then-current note-holder, Washington Mutual Bank, FA, Case #47025, pursuant to 15 U.S.C. § 1692g. This action was permitted Petitioner by the 5 U.S.C. § 552, Administrative Procedures, the Uniform Commercial Code Article 3 § 305(a), (ii and iii), and the Consumer Protection Act at 15 U.S.C. § 1692g. Petitioner did not know at the time, however, that the parties were "diverse" by virtue of her expatriation, pursuant to 28 U.S.C. § 1332.

This initial case was dismissed, without prejudice, on September 23, 2002. Two Certificates of Notarial Protest, on February 20, 2003 and December 03, 2003, subsequently reinforced the administrative process.

After learning a little, and then a LOT more about the law, the courts, and their procedures, Petitioner refiled her cause of action in the same court on February 06, 2003, being assigned Case #47825. After a hearing on Defense Counsel's 12.02(6) motion on May 23, 2003, Petitioner's Complaint was dismissed again, with a final order, ***with prejudice***, on June 11, 2003, (A-30), after this inferior court found, ***contrary to the evidence*** of Plaintiff's endorsed promissory note, (B-132), filed with the Complaint, that Petitioner "had failed to state a claim upon which relief could be granted".

Notice of Appeal to the STATE OF TENNESSEE COURT OF APPEALS in Nashville was filed in the RUTHERFORD COUNTY CIRCUIT COURT on July 08, 2003. After two more motion hearings in the CIRCUIT COURT, . . . on Plaintiff's Petition to Vacate a Void Judgment, heard on October 31, 2003, (A-28), and Motion To Supplement the Record on January 23, 2004, (A-22), respectively, the case moved into the STATE OF TENNESSEE COURT OF APPEALS.

Multiple preliminary motions in the TENNESSEE COURT OF APPEALS were systematically ruled against Petitioner, including the order of March 08, 2003, (A-16), which would have returned the virtue of the case back to Petitioner's ***et vir*** status as ***originally*** filed in the trial court. The matter was ultimately dismissed in TCOA, (A-13), after oral argument of the parties, heard on November 05, 2004.

The initial verbiage of the Memorandum of Law, (B-143), accompanying the final TCOA order of judgment on November 30, 2004, (A-13), is in direct conflict with the evidence presented with the initial complaint and as argued by Petitioner before the court. Furthermore, the denial by TCOA, (A-16), of Repatriated Petitioner's motion to bring forth the expatriation evidence of her Declaration, unopposed by Respondents' counsel in the trial court on January 23, 2004 and permitted by the trial court's presiding officer, (A-22), worked an extreme prejudice against Petitioner, setting the stage for Respondents to steal her home on the sole testimony of Defendants' counsel – without EVER providing any contravening evidence that Respondents had loaned to Petitioner ***a single penny, nickel, dime or quarter***, much less the $97,600.00 as they alleged and claimed.

With the final decision of TCOA, this sovereign Petitioner-Appellant filed Notice of Appeal on December 16, 2004, on the TCOA's ruling of November 30, 2004 directly in the United States Court of Appeals for the Sixth

Circuit, as an Article III proceeding, pursuant to *O'DONOGHUE v. UNITED STATES*, 289 U.S. 516 (1933). (The ***collateral*** matter of the Deed of Trust, on which Respondents were moving against Petitioner, by this time, had already been brought by Petitioner to this USSC from the 6th Circuit USCA.)

During the time the ***ultra vires*** matter lay static in the TCOA, (from March 23, 2003 to November 30, 2004), Respondents filed suit against Petitioner and her defunct Revocable Living Trust, as corporate Defendants, in a RUTHERFORD COUNTY CHANCERY COURT action, Case #04-7947-MI, (B-139), to reform the Deed of Trust, dated July 06, 1999, the same collateral contingent mortgage instrument associated with the original refinance of the alleged promissory note. Although the COURT failed to meet Petitioner's Defendant Challenge of Jurisdiction, issued on the record in a motions hearing April 16, 2004, and Respondents' argument failed ***to prevail*** in the CHANCERY COURT, their plea that the Deed of Trust be deemed "a valid and enforceable lien" was reduced by the court's order of April 20, 2004, (A-20), to be solely that of "***a lien***", . . . neither "valid" nor "enforceable". Petitioner-Respondent, however, was directed to pay the bank's unspecified attorney fees and unspecified court costs.

These attorney fees were confirmed in a subsequent order, dated May 24, 2004, (A-19), for $6,875.00. Petitioner filed Notice of Appeal on this order in the CHANCERY COURT, which transferred it on June 15, 2004 to TENNESSEE COURT OF APPEALS, as Case #M2004-01502-COA-R3-CV. Substantial controversy then developed over the sovereign Petitioner's deposit of two (one ounce) gold coins, .9999% pure, each with a $500 face value with the Chancery Clerk, in payment of the TCOA $1,000 appellate bond demanded, (B-141), pursuant to Article 1, Section 10 of the U.S. Constitution. Petitioner, realizing now the ***jurisdictional*** error because of the diversity, then on August 27, 2004, appealed directly to the UNITED

STATES DISTRICT COURT for MIDDLE TENNESSEE DISTRICT in Nashville, Tennessee, Case #3-04-5979, where that court set up a miscellaneous case, #3:04-MU-0058, to accommodate the posting of the USCA funds for the appellate filing fee, paid in fiat Federal Reserve Notes.

In filing the appeal, the USDC-MT Clerk made clear the possibility that the 6th USCA may not hear the matter since Petitioner was not following precisely the *Federal Rules of Appellate Procedure*, Rule 3(a). Confident of her sovereignty and, with knowledge that the Supreme Court had ***already*** established guidance to the statutory courts in decisions of long-standing settled case law pertaining to sovereigns, Petitioner proceeded forward, regarding ***highly*** the sovereignty issues inherent in the case – the same which are now brought before this Supreme tribunal of the united States for examination. This sovereign move was permissible, according to settled case law, as sovereigns are ***NOT*** subject to the requirements of the statutory code, where the rules of procedure are contained in the statutory code at 28 U.S.C. Part V. Consequently, Petitioner's appeal effectively jumped over the intermediate appellate courts, bringing the issue to a more expeditious showdown than would be afforded a 14th Amendment citizen.

The 6th Circuit USCA, ignoring the sovereignty issues, dismissed Petitioner's appeal for want of a case filed in the US District Court or direct appellate jurisdiction over the CHANCERY COURT. The petition for rehearing before an en banc panel was denied by the 6th Circuit USCA on December 7, 2004.

Notice of Appeal to the United States Supreme Court was made with a timely application for an extension to time to file, pursuant to USSC Rule 22 on February 12, 2005. Associate Justice John Paul Stevens on February 16, 2005, (A-1), granted the sixty (60) day extension to May 06, 2005. Two new actions have been initiated since the

6th USCA's order of December 07, 2004. Petitioner filed a federal preemptive suit on March 24, 2005 in USDC-MT to block Respondents' unlawful foreclosure move and Respondents have filed a ***highly unlawful*** state action on April 18, 2005 in the RUTHERFORD COUNTY GENERAL SESSIONS COURT, suing Petitioner for possession on the fraudulent Deed of Trust.

Petitioner's USDC-MT federal case, #05-0239, was dismissed on the day of the sale, March 29, 2005, (A-5), the shortest-lived of all actions involving these parties.

Not only was the perfection of the statutory expatriation to the JUSTICE DEPARTMENT of March 15, 2004, (B-124), August 25 and August 30, 2004, (B-127).

a.) ignored by the judge of the USDC-MT in his order of dismissal on March 29, 2005;

b.) the federal injunction and restraining orders, in regard to diversity, were denied;

c.) Petitioner's sovereignty was explicitly denied and;

d.) the judge wrongly attempted to shift the burden of expatriation "approval" from the government's UNITED STATES DEPARTMENT OF JUSTICE to Petitioner;

The alleged new purchaser has now filed his first legal action on April 18, 2005, through an out-of-state attorney who is not "licensed" by the TENNESSEE BAR ASSOCIATION, in RUTHERFORD COUNTY GENERAL SESSIONS COURT, one and the same with whom Petitioner had demanded verification and validation of the debt on *September 16, 2002* when they were located in Englewood, Colorado making collection and foreclosure demands, (B-156).

This latest suit is a detainer action for immediate possession, should Petitioner fail to comply with the attorney surrender demands. It will be heard in GENERAL SESSIONS on Friday, the 13th of May, one week

after Petitioner files ***this*** petition in the Supreme Court of the United States . . . and *eleven days before she is scheduled to stand trial on criminal charges* related to the STATE OF TENNESSEE'S unlawful theft of her private vehicle property, impounded for allegedly "driving without a license, et al.", on September 09, 2004. On Wednesday, May 5, 2005, Petitioner received notice from the 6th USCA that her appeal of the original traffic ticket, filed September 17, 2004, has been dismissed, making the criminal matter now eligible to come before this body. A new (third) collateral petition will be brought as quickly as possible under these exacerbated living circumstances.

Argument and Rational for Granting the Petition
Introduction: The Historical Perspective of Petitioner's Expatriation

The historical perspective of Petitioner's Expatriation, the statute at 8 U.S.C. § 1481(a)(6) and other constitutional and statutory provisions are found in Appendix B, (B-1), and (B-159 through B-165).

Argument per se

The Supreme Tribunal of the united States should grant this joint petition (a respectful sovereign demand) for a common law Writ of Certiorari because this appeal conforms to multiple requirements of this body's governing review on certiorari, pursuant to USSC Rule 10, and represents one third of a cross-circuit consolidated review of (now) eleven civil cases and two criminal cases from the 6th and 8th Circuits, in conjunction with Case No. 04-1358, which:

A. raise serious constitutional questions regarding individual property rights accruing as consequence of individual sovereignty, that directly effects a deprivation of civil and common law rights under color of law, pursuant to 8 U.S.C. § 1481(a)(6) and (b);

B. *from which surge* identical, similar and/or closely related issues, framed in the questions, from which multiple aberrant inferior judicial decisions have resulted;

C. which the 6th and 8th USCA committed, permitted ***and*** sanctioned the inferior courts to further exercise, by example and otherwise, to so far depart from the accepted and usual course of judicial proceedings in the 6th and 8th Circuit District and State Courts as to call for an exercise of this Supreme tribunal's supervisory authority, inspection and power. Constitutional questions related to the impairment of Petitioner's obligation of a private contract, executed between co-petitioners, ***without*** the corporate UNITED STATES, and ***exclusive of the courts***, are at issue as well in the 8th Circuit;

D. Petitioner, together with 8th Circuit Co-Petitioners, brings before the court relevant statutory issues, pursuant to 8 U.S.C., Aliens and Nationality, § 1481(a)(6) and (b), which apparently have never before been considered or tested and for which there exists a historical, but no ***current***, underlying legislative authority.

Discussion of A: Serious constitutional questions are raised regarding individual sovereignty, and in the 8th Circuit case, the impairment of obligations of a private contract, executed between co-petitioners, without the UNITED STATES, exclusive of the courts. The impairment of Petitioner's obligations to the Whites is not an issue in the 6th Circuit wherein Petitioner speaks solely for herself. There remain, however, justicable contract issues present in the 6th Circuit case relevant to the execution of Petitioner's fraudulent promissory note, the underlying mortgage instrument – upon which Respondents are rapidly moving to dispossess her of her

private *de jure* property. The deprivation of civil and common-law rights, under color of law, exists in both circuits, pursuant to 8 U.S.C. § 1481(a)(6) and (b).

A lawful judicial process in the inferior courts has now collapsed completely. ***Absolutely nothing should be moving*** forward ***UNTIL*** the two fundamental issues pertaining to sovereignty and the obligation of the debt are ***faithfully examined and settled at the core of these litigatory actions.*** Every decision issued since June 11, 2003 is void ***ab initio*** because it has proceeded in the absence of jurisdiction of a state court over a repatriated sovereign and in the absence of validation and verification of the underlying debt, pursuant to 15 U.S.C. § 1692g. Respondents' counsel have inappropriately and completely manipulated the Rules of Procedure and Evidence to successfully dispossess Petitioner of her private property within the next seven days.

Not fully appreciating the 28 U.S.C. § 1332, (B-162), diversity implications of her expatriation, Petitioner brought a justicable controversy against a corporate Defendant in a state court, where she granted limited jurisdiction to hear the matter ***in law*** in February 2003. From that point on, her sovereign status and the *ultra vires* and validation issues which she had raised have been ignored on the ***sole*** testimony of Defendants' counsel, without any contravening evidence, in every action to date.

Petitioner has consistently and lawfully challenged the imposition of 14th Amendment *pro se* status, as applied by the corporate STATE OF TENNESSEE over her sovereign body, pursuant to Article I, Sections 1 and 2 of the Tennessee Constitution. On each, every and all occasions – ***in both the civil and criminal actions***, the corporate STATE OF TENNESSEE has proceeded *without ever* – ***NOT ONCE*** – establishing jurisdiction over a sovereign on the record, as is required by settled case law. They proceed, "as if" Petitioner is still a voluntary 14th Amendment citizen-slave – although her Declaration

documents have been submitted with each challenge and are, and have been, consistently ignored or refused.

Between February 06, 2003 and April 18, 2005, there are now seven separate original and appellate ***civil*** actions related to *Vedder v. WASHINGTON MUTUAL BANK, FA*, issuing simultaneous, overlapping, and/or contiguous orders. None has addressed the original issues pertaining to sovereignty of Petitioner, the *ultra vires* conduct of the bank's principals ***or*** the validation and verification of the alleged underlying debt instrument, the substance of Petitioner's initial complaint.

The 6th USDC-MT court is the first to commit to writing its opinion that there exists ***no diversity*** between the parties. In so doing, it denies ***there exists a Republic state of Tennessee or a sovereign Petitioner***, in its order of March 29, 2005, (A-5), You will note, however, that with an artful stroke of his pen, this judge does not capitalize the "***State of Tennessee***", as all corporations are identified, indicating that he knows the difference and that to which he refers is *actually* the ***constitutional Republic state of Tennessee***. Given his conclusion that no diversity exists, he reveals his awareness – ***in spite of his words,*** that he knows and chooses, instead to violate the law, as he ignore the facts.

More aggravating, he includes a statement on page 3, lines 15-16, (as he did in a similar order of Petitioner's prior case which ***was never served*** in November 2003,) that, "Any appeal of this Order ***would not be in good faith*** as required by 28 U.S.C. § 1915(a)(3)." Petitioner is appalled by the arrogance and impudence of such a statement, ***designed intentionally to head off a legitimate appeal, in a do or die fight to preserve her due process rights and the preservation of her personal property rights***! Petitioner not only refuses to accept the aspersion cast upon the integrity of her character, but has, in fact, filed Notice of Appeal of his decision on April 22, 2005, as an Article III proceeding in Admiralty, as ***"a separate but related issue to Petitioner's underlying***

Complaint, now before the Supreme Court of the United States in Washington, D.C.", (B-154).

Where is his adherence to the spirit of *Federal Rules of Civil Procedure*, Rule 8(f) or to the impartiality required by his oath? As a law school-trained and bar-licensed judge, he is aware that sovereigns ***live*** . . . where corporate entities ***reside***, . . . that his verbiage is both inaccurate and contradictory, and that this sovereign ***resides nowhere***, as he clearly states, "Plaintiff, Anita J. Vedder, a self-proclaimed "repatriated" and independent sovereign ***residing*** in Tennessee. . . ."

Without respect for statutory law, settled case law, the *Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure* or the *Federal Rules of Evidence* – these state and federal principals unilaterally have failed to implement their ***own*** laws, misused the rules and failed to abide their ***own*** oaths to support the common law, the Constitutions of the United States and Republic state of Tennessee as well as settled case law. This has worked a most harmful continuing injury upon Petitioner, so that now, ***without any due process of law***, she will lose her home next week, as she has her sole means of transport eight months ago for the alleged "crime" of driving on the highways without the STATE'S ***permission***, *et al.*

Government has failed in its statutory obligation to show that Petitioner's expatriation was coerced or that she is a terrorist or has terrorist connections. Thus, as an unrebutted legal fact in evidence, pursuant to 8 U.S.C. § 1481(b), Petitioner reclaimed her *de jure* constitutional Republican dominion over all government instrumentalities. When one realizes that ***every first year law student*** is taught the concepts of sovereignty and contract law, as the fundamental precepts of civil and common law, in no reasonable manner can the officers of ***any*** inferior court plead ignorance to explain the accountability of their actions. By training, experience, and access to professional resources ***that are closed to Petitioners***, they are more favorably positioned than Petitioners to "know the law and

be well disposed to use it." Therefore, as judicial functionaries, each could have been reasonably expected to be familiar with the settled case law regarding sovereignty, jurisdiction, void judgments, and contract law. Among others, known to and used by Petitioner on multiple occasions, have been the following:

Hale v. Henkel, 201 U.S. 43 (1906), which said, to wit:

> "The individual may stand upon his constitutional rights as a citizen. He is entitled to carry on his private business in his own way. His power to contract is unlimited. He owes no duty to the state or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to criminate him. He owes no such duty to the state, since he receives nothing therefrom, beyond the protection of his life and property. His rights are such as existed by the law of the land long antecedent to the organization of the state, and can only be taken from him by due process of law, and in accordance with the Constitution. Among his rights are a refusal to incriminate himself, and the immunity of himself and his property from arrest or seizure except under a warrant of the law. He owes nothing to the public so long as he does not trespass upon their rights."

or *Chisholm v. Georgia*, 2 Dall (U.S.) 419, 454, 1 L.Ed. 440, 455 at DALL 1793, pp 471-472, to wit,

> " . . . at the Revolution, the sovereignty devolved on the people, and they are truly the sovereigns of the country, but they are sovereigns without subjects . . . with none to govern but themselves, the citizens of America are equal as fellow citizens, and as joint tenants in the sovereignty."

or 4 *Wheat*, 402, to wit:

> "The People are the fountain of sovereignty. Governments are but trustees. The People, as the

> original fountain, might take away what they have lent and entrust to whom they please."

or *Luther v. Borden*, 48 U.S. 1, 12 L.Ed. 581 (1841), to wit:

> " . . . The governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people, as the original fountain might take away what they have delegated and in trust to whom they please . . . The sovereignty in every state resides in the people of the state and they may alter and change their form of government at their own pleasure."

or *Julliard v. Greenman*, 110 U.S. 421 (1884), to wit:

> " . . . there is no such thing as a power of inherent sovereignty in the government of the United States. It is a government of delegated powers, supreme within its prescribed sphere, but powerless outside of it. In this country, sovereignty resides in the people, and congress can exercise no power which they have not, by their constitution, intrusted to it; all else is withheld."

or *PERRY v. U.S.*, 294 U.S. 330 (1935), to wit:

> "In the United States, sovereignty resides in the people . . . the Congress cannot invoke the sovereign power of the People to override their will thus declared."

or *U.S. v. GENERAL MOTORS CORPORATION*, D.C. Ill, 2 F.R.D. 528, 530, to wit:

> "In common usage the word 'person' does not include the sovereign, and statutes employing the word are generally construed to exclude the sovereign."

or 16 American Jurisprudence 2d, Sovereignty of states, § 281, to wit:

> "The original thirteen states existed prior to the adoption of the Federal Constitution and before that time possessed all the attributes of sovereignty. All these attributes except those surrendered by the formation of the Constitution and

> the amendments thereto have been retained. But the sovereign power of the states is necessarily diminished to the extent of the grants of power to the federal government in the Constitution, and it is subject to the restraints and limitations of the Constitution."

or, more recently, *AFROYIM v RUSK*, 387 U.S. 253 (1967), to wit:

> "Other nations are governed by their own constitutions, if any, and we can draw no support from theirs. In our country, the people are sovereign and the Government cannot sever its relationship to the people by taking away their citizenship. Our Constitution governs us and we must never forget that our Constitution limits the Government to those powers specifically granted or those that are necessary and proper to carry out the specifically granted ones. . . . And even before the adoption of the Fourteenth Amendment, views were expressed in Congress and by this Court that under the Constitution the Government was granted no power, even under its express power to pass a uniform rule of naturalization, to determine what conduct should and should not result in the loss of citizenship."

or *State v Simon*, 2 Spears 761, 767 (1841), or *Taylor v. Porter*, 4 Hill 140, 146 (1843), to wit:

> "Law of the Land" means the "Common Law"

or The Constitution of the Republic state of Tennessee, Declaration of Rights, at Articles 1 and 2, upon entry into the union of united States, which declared, to wit:

"ARTICLE I DECLARATION OF RIGHTS

> I. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform or abolish

> the government in such manner as they may think proper.
>
> II. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish and destructive to the good and happiness of mankind;

One could also expect them to be familiar with the fact that ***both*** subject matter and *in personam* jurisdiction must be established on the record ***when challenged***, to wit, that:

> "No sanction can be imposed absent proof of jurisdiction." Standard v. Olesen, 74 S. Ct. 768
>
> "The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings." Hagans v. Lavine, 415 U.S. 533
>
> "Once jurisdiction is challenged, it must be proven." Hagans v. Lavine, 415 U.S. 533 note 3 (1974)
>
> "Jurisdiction once challenged cannot be assumed and must be decided." Maine v. Thiboutot, 100 S. Ct. 2502
>
> " . . . when an objection to jurisdiction has been made, or may be made, in any cause, . . . it must be considered and decided, before any court can move one further step in the cause; as any movement is necessarily the exercise of jurisdiction." CRATER LAKE NAT. PARK CO. v. OREGON LIQUOR CONTROL COMMISSION, 26 F. Supp. 363, 364 (1939)
>
> "If any tribunal finds absence of proof of jurisdiction over person and subject matter, the case must be dismissed." Louisville RR v. Motley, 211 U.S. 149, 29 S. Ct. 42

and to know that the consequences for ignoring statutory subject matter and *in personam* jurisdiction on the record, once challenged, include void judgments, to wit:

> "Void judgments must be dismissed, regardless of timeliness if jurisdiction is deficient." *Mitchell v. Kitsap County*, 59 Wash.App. 177, 180-81, 797 P.2d 516 (1990)
>
> "Collateral challenge to jurisdiction of pro-tem judge granting summary judgment properly raised on appeal." *Allied Fidelity Ins. Co. v. Ruth*, 57 Wash.App. 783, 790, 790 P.2d 206 (1990); *Jaffe and Asher v. Van Brunt*, 158 F.R.D. 278 (S. D. N. Y. 1994)
>
> "*Res judicata* does not apply to a void judgment." *Allcock v. Allcock*, 437 NE. 2d 392 (Ill. App. Dist. 3 1982)
>
> "When rule providing relief from void judgment is applicable, relief is mandatory and not discretionary." *In re Marriage of Markowski*, 50 Wash.App. 633, 635, 749 P.2d 745 (1988); *Brickum Inv. Co. v. Vernham Corp.*, 46 Wash.App. 517, 520, 731 P.2d 533 (1987); *Orner v. Shalala*, 30 F.3d 1307 (Colo. 1994)

None of this, however, prevents a sovereign Petitioner from going into court to seek remedy and recourse against a non-sovereign Defendant, as was the case in Petitioner's original Plaintiff suit, pertaining to the ultra vires activities surrounding the fraudulent promissory note – the underpinning litigation from which all-later actions flowed. The miscarriage of justice came when the rules of procedure and evidence were not properly employed and applied to a justicable controversy.

It was not unreasonable to expect these inferior court principals to be so familiar. By virtue of their education, their feigned ignorance is vociferously refuted and can be easily traced in the pattern of their decisions, contrary to their ***own*** governing statutory law. ***Character always precedes conduct*** . . . so by their fruit are they known and by their fruit, they have demonstrated, through attorneys' sole testimony and in judges' orders and opinions, their consistent reciprocal refusal to uphold the

common law, the Constitution, the statutory law or their own court's rules of evidence and procedure, as they were bound to do by their individual public servant oaths.

Petitioner knows that Respondents, their counsel and these judges are ***NOT*** *ignorant* of the *Federal and State Rules of Evidence*, Rule 602 and *TRINSEY v. PAGLIARO*, D.C. Pa. 1964, 229 F. Supp. 647 (1964), which held, to wit: "Statements of counsel in their briefs or argument, ***while enlightening to the Court***, are not sufficient for purposes of granting a motion to dismiss or summary judgment". She knows because Petitioner herself has so informed her adversaries, in countless exhaustive pleadings and appearances before the various inferior bodies!!

How much more grievous does the intentionally feigned "error" of misrepresentation become when the "statements of counsel in their briefs or argument" are designed and contrived to ***intentionally*** misinform, mislead and mis-represent Petitioner's position before the court, . . . only to have those very same ***misstatements*** picked up verbatim BY THE COURT, adopted and incorporated as the very rationale for the decision emanating therefrom?

Examine the very first sentence of the TCOA Memorandum of Opinion, dated November 30, 2004, (B-143). Its substance is in ***EXPLICIT*** contravention to Petitioner's evidence of the endorsed note, (B-132), her argument before the court, and the absence of either contravening ***evidence OR testimony*** of ***ANY*** Respondent – other than counsel itself!!

A second example, not related to *TRINSEY*, *per se*, but is obvious in the ignorance of evidence pertaining to Petitioner's expatriation process, is conveyed in the order of dismissal in the preemptive foreclosure suit, #3:05-0239, already reflected in the Statement of Facts.

Government had but one burden – to show that Petitioner's expatriation was coerced, executed under threat and duress as an involuntary act and/or show that she was a terrorist or had terrorist affiliations. The statute

is clear and the verbiage of the TCOA Memorandum or USDC-MT preemptive foreclosure Order of Dismissal, dated March 29, 2005, (A-5), are neither consistent with the evidence nor statutorily accurate or correct – . . . NOT EVEN CLOSE!

Petitioner walks a ***very narrow path here***, between the assertion of her rights on the record and the potential for revocation of her criminal bond, itself executed "without prejudice" of her rights. This potential minefield can take Petitioner right out of the civil action so that she is unable to prepare further pleadings if she is incarcerated in two weeks. Further evidence in the civil answer of Respondents' attorney in #05-0239 is extant, when he demands ***sanctions against Petitioner*** for having filed the preemptive federal suit on March 24, 2005, to protect and to be not dispossessed of cover for her papers, belongings, and property, in a matter never properly adjudicated from the onset, February 06, 2003 and in accord with her 4th Amendment right.

Without any principles, ethics, or scruples, Petitioner's adversaries would not hesitate to put her in the street and plan do precisely that just as quickly as possible – on the sole testimony of counsel, without bringing forth one shred of evidence to verify Petitioner's alleged obligation. The matter ***is NOT res judicata, nor the Petitioner pro se***, as Respondents' battery of attorneys continually misrepresent in their efforts to distort the record. This matter is and has been in ***continuous ACTIVE appeal*** since July 08, 2003. They should be ashamed! However, the plain fact is – ***they are not***!

Article 4, Sec. 4, of the United States Constitution of 1787 clearly articulates that, "The United States shall guarantee to every State in this Union a ***Republican*** Form of Government, ***and shall protect each of them against Invasion***. . . ." Constitutional protection from invasion accrues not only to the sovereign States – but also to the sovereign ***citizens*** of the sovereign ***States***. The assurance of constitutional protection rings hollow with the facts of this

instant matter. Regardless, this sovereign, unable to serve two masters, will heed the words of Joshua to the nation of Israel, found in Joshua 28:14-28, but specifically in verse 15 . . . "Choose for yourselves this day whom you will serve . . . but as for me and my house, we will serve the Lord."

These cases present a magnanimous opportunity for the Court to restore the Constitutional footing for those who would responsibly exercise our *et vir* recourse and remedy.

Discussion of B: ***From the pattern of decisions encompassed by this cross-circuit appeal surge identical, similar and/or closely related issues, as framed in the questions presented for review, that have resulted in multiple aberrant inferior judicial decisions.*** The Court should grant a Writ of Certiorari on Petitioner's behalf because, out of the government's refusal to recognize Petitioner's sovereignty, a systematic and systemic Pandora's box of abuse, injustice and imprudence by government functionaries has erupted, some more violent, threatening and extreme than others, as in Petitioner's criminal case. Page two of Petitioner's Declaration of True Citizenship and Non-juristic Status documents, (B-10), makes explicitly clear that Petitioner was not renouncing her US citizenship in the Republic – only that of a 14th Amendment citizen and trustee of the corporate UNITED STATES and its sub-entities.

Let me reiterate: There need be absolutely no doubt about Petitioner's allegiance, patriotism, or faithfulness to the underlying principle of the founding fathers. She is, by heritage, ***corrected-acculturation***, and Declaration, walking her organic Republican walk ***beyond*** most others, with a personal integrity born out of guidance provided by the settled case law of this and other appellate courts. The pattern of ***decisions*** encompassed herein can ***ONLY*** be lawful ***if*** 8 U.S.C. § 1481(a)(6) ***is held unconstitutional*** and ***if*** Petitioner is deemed, ***as a consequence of*** the ***statutory determination of unconstitutionality***, to still be a 14th Amendment citizen. ***Failing that***, all adversarial arguments and decisions are without substance and,

therefore, by implication and deduction, can be deemed not other than ***void ab initio***!

The Constitution of the United States stands as the inert contract between the sovereign people who created it, per the Preamble, (B-159), and the well-structured organization of government, which they created to serve their own ***limited*** needs. It was a contract, which by its very terms, retained ***all*** inherent power to the people, delegated certain powers from the sovereign States to the limited central federal government, and reserved all others, without specification, ***exclusively*** to the private people, per Amendment X of the United States Constitution. As history ran amuck and the people ***themselves*** acquiesced to the usurpation of private power by government in their apathy and exhaustion following the Civil War, (B-1), the contract of the Constitution itself took on a life of its own, absolutely feared and **never** intended by the founders and ***contrary to its very terms and static construction***. The fact remains, however, that any government agency, operating without Constitutional or statutory authority, has no power ***whatsoever*** over a sovereign.

Therefore, as acknowledged in *Minor v. Happersett*, 88 U.S. 162 (1874), to wit,

> "There cannot be a nation without a people. The very idea of a political community, such as a nation is, implies an [88 U.S. 162, 166] association of persons for the promotion of their general welfare. Each one of the persons associated becomes a member of the nation formed by the association. He owes it allegiance and is entitled to its protection. Allegiance and protection are, in this connection, reciprocal obligations. The one is a compensation for the other; allegiance for protection and protection for allegiance."

and is thus directly derived from Article 4, Section 4 of the US Constitution, to wit: " . . . and shall protect each of them against invasion;" Furthermore, *Minor v. Happersett*, *supra*, was based on the nearly precise language of

the 1758 work, *The Law of Nations*, by Swiss legal philosopher Emmerich de Vattel, ***himself a mentor of the founding fathers***, prior to the creation of the Constitution of the United States, *supra*.

If, . . . from *Minor v. Happersett*, *supra*, " . . . Allegiance and protection are, in this connection, reciprocal obligations", where was the ***protection*** from unlawful seizure of Petitioner's private property, guaranteed to her by Article IV, Section 4 of the Constitution and the 1st, 4th, 5th, 7th, 9th and 10th Amendments attached thereto? She will argue in brief that there was none and that Petitioner was unlawfully stripped of her private vehicle and dwelling place in the ***clearly posted*** Republic state of Tennessee, having committed no crime in either common or statutory law.

Discussion of C: The 6th Circuit Court of Appeals has decided the important and fundamental federal question of sovereignty in a way that conflicts with basic constitutional precepts and multiple relevant decisions of the Supreme Court of the United States. The Court should grant a Writ of Certiorari on Petitioner's behalf because the 6th USCA and inferior courts committed, permitted and sanctioned so far a departure from the accepted and usual course of judicial proceedings, contrary to the oaths of its servants, in the RUTHERFORD COUNTY CHANCERY COURT, and otherwise, as to call for an exercise of this Court's supervisory authority, inspection and power.

This Repatriated Petitioner failed to jump thru the statutory hoops required of 14th Amendment citizens, in her pragmatic exercise of sovereign dominion. Here again, sovereign character preceded sovereign conduct. The rationale provided for the original USCA decision attends to the Article I, Section 10 controversy between Petitioner and the RUTHERFORD COUNTY CHANCERY COURT staff in Petitioner's tender of two ounces of .9999 pure gold, ***oblivious to Petitioner's sovereignty*** and the settled case law of O'DONOGHUE v. US, *supra*, attached

to the original appellate notice for either of its decisions in this matter.

These actions are clearly unlawful and void, because they were in clear contravention of both *MIRANDA v. ARIZONA*, 384 U.S. 436 at 491 (1966), which said, to wit:

> "As courts have been presented with the need to enforce constitutional rights, they have found means of doing so. That was our responsibility when Escobedo was before us and it is our responsibility today. ***Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them.***"

and *TIGNER v. STATE OF TEXAS*, 310 U.S. 141 (1940), to wit:

> " . . . we must be mindful not of abstract equivalents of conduct, but of conduct in the context of actuality. ***Differences that permit substantive differentiations also permit differentiations of remedy.***"

Petitioner actively engaged her rights as a sovereign and was not seeking any differential remedy, despite her differential status. She simply moved with the integrity of a sovereign, procedurally making her appeal, and potential remedy, more efficient and expeditious by moving directly into the 6th Circuit Court of Appeals from the RUTHERFORD COUNTY, TENNESSEE CHANCERY COURT. As Petitioner stepped outside the *PRO SE* box they had proscribed for her, government's functionaries knew not how to accommodate or differentially "manage" such a self-governing woman.

Urgent federal intervention was needed and permitted by the provisions of diversity at 28 U.S.C. § 1332, in the face of a lawless debt collector attorney and bank, still rolling forward to foreclosure. The swift intervention was permitted by Petitioner's sovereign status, foreign to the jurisdiction of the STATE OF TENNESSEE and its functionaries, the very essence of diversity being ***"different***

from" and therefore "foreign ***to"***, as the provisions of 28 U.S.C. § 1332 have defined. Petitioner was simply trying to affect the most expeditious solution to a horrendous judicial mess. Petitioner wanted only to bring her justicable controversy, the merits of which ***have yet to be heard***, before an impartial judiciary in the spirit of *Federal Rules of Civil Procedure*, Rule 8(f) and *CONLEY v. GIBSON*, 355 U.S. 41 (1957).

Petitioner is not inclined to allow this high-level treachery to remain unrebutted without a highly aggressive confrontation. Aberrant judicial behavior does a grave injustice to the individual petitioners, to the judicial office itself and to society. It accounts for a general extra-legal denigration of the profession itself by the grassroots public and is in direct violation of all moral codes, ethics, the spirit of justice, the Judicial Code of Conduct and the legal profession's Rules of Professional Conduct. Yet another sad consequence of such judicial wrong-doing is that "color of law" decisions such these ultimately tear down the larger social order, as the Judicial Code of Conduct itself affirms.

Discussion of D: ***Petitioners, furthermore, bring before the court relevant statutory issues, at 8 U.S.C., Aliens and Nationality, § 1481(a)(6), which have never before been considered by this tribunal and for which no current underlying legislative authority exists***. Although there are numerous citations regarding sovereignty available to all parties, some of which have been identified herein, there is no current underlying CFR that provides authority for 8 U.S.C. § 1481. Given the rapidity with which Congress and attorneys employed by the various administrative agencies change the content, substance, and meaning of the United States Code, and given that, the Expatriation Act of July 27, 1868, (B-165), has never been repealed, a *de novo* hearing on this matter seems clear. Petitioners have been unable to locate any precedent cases, at least within the limited resources available to non-bar licensed sovereigns, which indicate that the inferior courts' implementation of 8 U.S.C.

§ 1481(a)(6) has ever been tested with an actual *et vir* case before the Supreme tribunal of the united States. Given the magnitude and pervasiveness of the assault on the 1st, 4th, 5th, 7th, 9th and 10th Amendment civil rights, derived from this statute, Petitioner knows, believes and prays that this Court should be compelled by its sense of right, wrong and fair dealing to consider this matter, *de novo*.

Conclusion

This petition for a joint common law writ of certiorari, along with that of Co-Petitioners White's docketed Case No. 04-1358, in the nature of most *respectful* sovereign demand, should be granted for all of the reasons herein stated, pursuant to USSC Rule 10.

It is an honor to bring this matter before you.

Graciously appreciated and
Respectfully submitted,
With a reservation of all rights,

ANITA J. VEDDER, *in propria personna, et vir*,
Repatriated Petitioner,
pursuant to 8 U.S.C. § 1481(a)(6)

Without prejudice,
In Care of 1000 Kilgrow Court
Smyrna,
Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

APPENDIX A

UNITED STATES SUPREME COURT

APPENDIX A

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

February 16, 2005

Ms. Anita J. Vedder
1000 Kilgrow Court
Smyrna, TN 37167-5967

Re: Anita Jean Vedder
v. Washington Mutual Bank, FA
Application No. 04A710

Dear Ms. Vedder:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case has been presented to Justice Stevens, who on February 16, 2005 extended the time to and including May 6, 2005.

This letter has been sent to those designated on the attached notification list.

Sincerely,

William K. Suter, Clerk

by /s/ Ann McCamey
Ann McCamey
Case Analyst

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 04-5979

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WASHINGTON MUTUAL BANK, FA, Plaintiff-Appellee, v. ANITA JEAN VEDDER, Defendant-Appellant.	)	ORDER (Filed Dec. 7, 2004)

BEFORE: KENNEDY, SUHRHEINRICH, and CLAY, Circuit Judges.

The court having received a petition for rehearing en banc, and the petition having been circulated not only to the original panel members but also to all other active judges of this court, and no judge of this court having requested a vote on the suggestion for rehearing en banc, the petition for rehearing has been referred to the original panel.

The panel has further reviewed the petition for rehearing and concludes that the issues raised in the petition were fully considered upon the original submission and decision of the case. Accordingly, the petition is denied.

ENTERED BY ORDER OF THE COURT

/s/ Leonard Green
Leonard Green, Clerk

No. 4-5979

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

WASHINGTON MUTUAL BANK, FA,	)	
Plaintiff-Appellee,	)	ORDER
v.	)	(Filed Sep. 21, 2004)
ANITA JEAN VEDDER,	)	
Defendant-Appellant.	)	

Before: KENNEDY, SUHRHEINRICH, and CLAY, Circuit Judges.

This matter is before the court upon initial consideration of appellate jurisdiction.

This case was docketed in the district court upon the filing by Anita Jean Vedder of a notice of appeal to this court. In that notice of appeal, Vedder states that she attempted to pay a $1,000.00 bond by submitting two gold coins with a face value of $500.00 each to the Chancery Court of Rutherford County in Tennessee. She states that the clerk of that court subsequently advised her that the bank would not accept the coins as legal tender, that the clerk refused to request the attorney general to make a determination as to whether the coins were legal tender, and that the clerk returned the two coins. Vedder apparently disagrees with the actions of the clerk of the Chancery Court and filed a notice of appeal in the district court seeking to have this court review the matter.

This court lacks jurisdiction over this appeal. This court has jurisdiction to review all final decisions of the district courts of the United States within the Sixth Circuit. *See* 28 U.S.C. § 1291. However, no case was filed in the district court nor was a decision entered by the district court. Vedder states in the notice of appeal that this court has jurisdiction pursuant to Fed. R. App. P. 4, Fed. R. App. P. 44, and Fed. R. Civ. P. 9(b), but those rules do not provide this court with jurisdiction to review actions by a clerk of the Chancery Court of Rutherford County in Tennessee. Any attempt by Vedder to seek review of the matter should either be in the Chancery Court or the state court that has authority to review Chancery Court decisions.

It is ordered that the appeal is dismissed.

ENTERED BY ORDER
OF THE COURT

/s/ Leonard Green
Clerk

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

ANITA J. VEDDER,	)	
Plaintiff,	)	
v.	)	**Case No. 3:05-0239**
KERRY K. KILLINGER et al.,	)	**JUDGE HAYNES**
Defendants	)	

ORDER

Plaintiff, Anita J. Vedder, a self-proclaimed "repatriated" and independent sovereign residing in Tennessee,[1]

[1] Plaintiff claims to be a "repatriated sovereign" pursuant to 8 U.S.C. § 1481(a)(6). That statute provides that:

> A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality –
>
> * * *
>
> (6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.

Id. Further, "[w]henever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence." 8 U.S.C. § 1481(b).

Here, Plaintiff has sent "Notice[s] of Declaration of True Citizenship and Non-juristic Status" in late June and early July, 2002 to

(Continued on following page)

filed this action against several defendants, including Washington Mutual Bank, FA, several of its employees, Shapiro & Kirsch, LLP, a Tennessee limited liability partnership, and several of its employees, for a temporary restraining order to prevent the foreclosure sale of her Smyrna, Tennessee home at 2:30 pm on March 29, 2005. Plaintiff filed a similar action against Washington Mutual and others in this Court on October 3, 2003 (Case Number 3:03-00925). In a November 19, 2003 Order, (*Id.*, Docket Entry No. 5), this court dismissed without prejudice to Plaintiff's federal claims including any affirmative defense of counterclaim based on federal law in Plaintiff's state court action. The Court also held that any appeal of its Order would not be in good faith.

From a review of Plaintiff's current demand for a temporary restraining order, Plaintiff alleges that jurisdiction lies in this Court based upon 28 U.S.C. § 1331, the federal question statute, and 28 U.S.C. § 1332, the federal diversity statute. As to the former basis of jurisdiction, Plaintiff relies upon 49 U.S.C. §§ 80113 and 80116, statutes related to fraudulent bills of lading, and upon the fact that Plaintiff was granted an extension to file a writ of certiorari to the Supreme Court related to her state action.

---

several federal and state officials, including President Bush and Chief Justice Rehnquist, but did not send such a notice to the Attorney General or a designated officer. (Docket Entry No. 1 at Exhibit D attached thereto). Nor did Plaintiff receive acceptance of her purported renunciation of citizenship from the Attorney General. *Id.* Plaintiff has therefore not met her burden of proving her renunciation of American citizenship. As a consequence, the Court cannot accept Plaintiff's contention that she has effectively renounced her nationality and has become an independent sovereign. Accordingly, for purposes of this Order, the Court will treat Plaintiff as a Tennessee citizen.

The Plaintiff has the burden to allege sufficient facts to invoke the Court's jurisdiction. *Gibbs v. Buck*, 307 U.S. 66 (1939). The Court has federal question jurisdiction over "all civil actions arising under the Constitution and laws, treaties of the United States." 28 U.S.C. § 1331. Moreover, "A suit arises under the Constitution and Laws of the United States only when the plaintiff's statement of his own cause of action shows that it is based upon those laws or that Constitution." *Louisville & Nashville R.R. Co. v. Mottley*, 211 U.S. 149 (1908).

Plaintiff cites as her basis of federal jurisdiction 49 U.S.C. § 80113, which imposes "liability for nonreceipt, misdescription, and improper loading" by common carriers issuing bills of lading, and 49 U.S.C. § 80116, which imposes criminal penalties for issuing fraudulent bills of lading. Plaintiff makes no indication that this action involves common carriers or bills of lading. Indeed, Plaintiff's action seeks a restraining order against private actors to prevent the foreclosure sale of her home in Tennessee. Accordingly, the court concludes that Plaintiff has not shown that her action is based upon the Constitution or laws of the United States.

Diversity jurisdiction in the district court requires complete diversity, i.e., none of the defendants can be citizens of the same state as any of the plaintiffs. 28 U.S.C. § 1332(a); *Strawbridge v. Curtiss*, 7 U.S. (3 Cranch) 267 (1806). Diversity jurisdiction is determined at the time of filing. *Napletana v. Hillsdale College*, 385 F.2d 871, 872 (6th Cir. 1967). Here, Plaintiff alleges in her complaint that Defendant Shapiro & Kirsch, LLP is "an active Limited Liability Partnership . . . organized under the laws of the State of Tennessee." (Docket Entry No. 1,

Complaint at ¶10). Plaintiff is a Tennessee citizen. Thus, diversity jurisdiction is lacking in this action.

Accordingly, this action is **DISMISSED** for lack of subject matter jurisdiction without prejudice to file an appropriate state court action. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

This if the Final Order in this action.

It is so **ORDERED**.

Entered this the 29th day of March, 2005.

/s/ William J. Haynes, Jr.
WILLIAM J. HAYNES, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ANITA JEAN VEDDER, Plaintiff,	)	
v.	)	No. 3:03-0925
KERRY V. KILLENGER, et al.,	)	JUDGE HAYNES
Defendants.	)	

ORDER

(Filed Nov. 19, 2003)

Plaintiff, Anita Jean Vedder, filed this *pro se* action against several defendants asserting claims arising out of a foreclosure action in state court. Plaintiff asserts a claim in this action for alleged violations of federal banking laws under 12 U.S.C. § 24(7). Plaintiff alleges that the state court judgment is void for lack of jurisdiction. Plaintiff also filed an action against the Defendants in state court that was dismissed. Plaintiff has a pending motion to vacate the state court judgment that was filed on September 29, 2003 and in that motion refers to her federal banking law violations (Docket Entry No. 1, Verified Complaint, Exhibit D thereto at p 2.

Plaintiff federal claim is under the National Banking Act over which state courts have long been held to have jurisdiction. *Bank of Bethel v. Pahquioque Bank*, 81 U.S. 383 (1872). An affirmative defense based upon federal law, including a preemption defense, can be raised in state court. *See Caterpillar Inc. v. Williams*, 482 U.S. 386, 393 (1987). Moreover, where there is a prior pending state court action, abstention is warranted where federal

adjudication of pendent state law issues will intrude on matters of local concern and within the special competence of state courts. *Burford v. Sun Oil Co.*, 319 U.S. 315, (1943) or where there is an important countervailing state interest that counsels against federal court intervention, *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817, 96 S.Ct. 1236, 47 L.Ed.2d 483 (1976).

Given state court's jurisdiction over Plaintiff's claims under 12 U.S.C. § 24 and the important state interest in the state court action in which a state court judgment is challenged, the Court concludes that abstention is warranted. Upon abstention, dismissal is appropriate, if the state court can afford complete relief. *Deakins v. Monaghan*, 484 U.S. 193, 202 (1988). Plaintiff can receive complete relief on her federal claims in the state trial and appellate courts.

Accordingly, this action is **DISMISSED** without prejudice to Plaintiff's federal claims including any affirmative defense or counterclaim based on federal law in the state court action. Any appeal of this Order would not be in good faith as required by 28 U.S.C. § 1915(a)(3).

This is the Final Order in this action.

It is so **ORDERED**.

ENTERED this the 19th day of November, 2003.

/s/ William J. Haynes, Jr.
WILLIAM J. HAYNES, JR.
United States District Judge

COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

**WASHINGTON MUTUAL BANK, F.A. v.
ANITA J. VEDDER**

**Chancery Court for Rutherford County
No. 04-7947MI**

No. M2004-01502-COA-R3-CV

ORDER

(Filed Sep. 7, 2004)

On August 29, 2003, this court ordered the appellant to file a bond for costs on appeal or else to show cause why this appeal should not be dismissed for failure to comply with Tenn. R. App. P. 6. Rather than file a bond, the appellant has filed a response asserting that this court does not have jurisdiction over her. The response fails to demonstrate that the appellant is exempt from filing a bond.

It is therefore, ordered that this appeal be dismissed. The appellant is taxed with the costs for which execution may issue.

/s/ William C. Koch, Jr.
WILLIAM C. KOCH, JR.,
P.J., M.S.

/s/ William B. Cain
WILLIAM B. CAIN, J.

/s/ Patricia J. Cottrell
PATRICIA J. COTTRELL, J.

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

**WASHINGTON MUTUAL BANK, F.A. v.
ANITA J. VEDDER**

**Chancery Court for Rutherford County
No. 04-7947MI**

No. M2004-01502-COA-R3-CV

ORDER

(Filed Aug. 20, 2004)

The trial court clerk has notified this court that the appellant has failed to file a bond for costs on appeal acceptable to the trial court clerk as required by Tenn. R. App. P. 6.

It is therefore, ordered that, within ten (10) days following the entry of this order, the appellant either file a bond for costs on appeal acceptable to the clerk of the trial court or else show cause in this court why this appeal should not be dismissed for failure to comply with Tenn. R. App. P. 6. The trial court clerk shall promptly notify this court should the appellant fail to comply with this order.

/s/ William B. Cain
WILLIAM B. CAIN,
JUDGE

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
November 5, 2004 Session

ANITA J. VEDDER v.
NORTH AMERICAN MORTGAGE CO., ET AL.

Circuit Court for Rutherford County
No. 48725

No. M2003-01682-COA-R3-CV

JUDGMENT

(Filed Nov. 30, 2004)

This cause came on to be heard upon the record on appeal from the Rutherford County Circuit Court, the briefs of the parties, and oral arguments. Upon consideration of the entire record, this court finds and concludes that the trial court's judgment should be affirmed.

In accordance with the opinion filed contemporaneously with this judgment, it is, therefore, ordered, adjudged, and decreed that the trial court's judgment be and is hereby affirmed, and that the cause be remanded to the trial court for further proceedings consistent with this court's opinion.

It is further ordered that the costs of this appeal be taxed Anita J. Vedder, for which execution may issue if necessary.

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

ANITA J. VEDDER v. NORTH AMERICAN MORTGAGE COMPANY, ET AL.

Circuit Court for Rutherford County
No. 47825

No. M2003-01682-COA-R3-CV

ORDER

(Filed Mar. 23, 2004)

The appellant's "Notice of Objection and Motion for Reconsideration of Tennessee Court of Appeals Order of March 8, 2004 with a New Motion for Rule 14 Consideration of Post-Judgment Facts in the Appellate Court" has been considered by the court and is hereby denied without prejudice to the filing of any supplemental record authorized by the trial court.

/s/ William C. Koch, Jr.
WILLIAM C. KOCH, JR.
JUDGE

/s/ William B. Cain
WILLIAM B. CAIN, JUDGE

/s/ Patricia J. Cottrell
PATRICIA J. COTTRELL,
JUDGE

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

ANITA J. VEDDER v.
NORTH AMERICAN MORTGAGE CO., ET AL.

Circuit Court for Rutherford County
No. 47825

No. M2003-01682-COA-R3-CV

ORDER

(Filed Mar. 10, 2004)

The appellant has moved the court to decide this matter on the record and briefs without oral argument. The appellees requested oral argument on the cover of their briefs and oppose the appellant's motion to submit the case without oral argument. Accordingly, the appellees are entitled to oral argument pursuant to Tenn. R. App. P. 35(a).

It is therefore, ordered that the motion to decide the matter without oral argument be denied.

/s/ William C. Koch, Jr.
WILLIAM C. KOCH, JR.,
P.J., M.S.

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE

ANITA J. VEDDER v. NORTH AMERICAN MORTGAGE COMPANY, ET AL.

Circuit Court for Rutherford County
No. 47825

No. M2003-01682-COA-R3-CV

ORDER

(Filed Mar. 8, 2004)

The appellant's "Rule 22 Motion to Bring Forth Appeal of the Trial Court's Subsequent Order of December 16, 2003 Denying Plaintiff-appellant's Verified Petition to Vacate a Void Judgment of June 11, 2003" has been considered by the court and is hereby denied.

/s/ William B. Cain
WILLIAM B. CAIN,
JUDGE

CHANCERY COURT FOR RUTHERFORD COUNTY
AT MURFREESBORO, TENNESSEE

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY AT MURFREESBORO, TENNESSEE

WASHINGTON MUTUAL BANK, FA,	)	
Plaintiff,	)	
vs.	)	**Case No. 04-7947MI**
ANITA J. VEDDER and a/k/a ANITA JEAN VEDDER and ANITA J. VEDDER, TRUSTEE,	)	
Defendant.	)	

ORDER

(Filed May 25, 2004)

This cause came before the Court, sua sponte, upon the *Defendant's Demand For Proof Of Jurisdiction In Personam and In Rem Authority and Legitimacy of Court Judge together with Defendants' Motion And Demand That Void Order Of Judgment Dated April 20, 2004 Be Vacated Immediately* and *Defendants' (sui juris)' Demand For Show Cause In Personam and In Rem Authority and Legitimacy of Court Judge Pursuant to Defendants' (sui juris)' challenge to Jurisdiction and Demand That Void Order of Judgment Dated April 20, 2004, be Vacated Immediately*. The defendant, having previously questioned the legitimacy of the United States government, now questions the legitimacy and jurisdiction of this court and demands that the Judge show cause as to why this court is entitled to proceed any further in this matter. The defendant's demands and/or motions are hereby dismissed.

Court costs are assessed to the defendant, Anita Jean Vedder.

Dated this the 24th day of May, 2004.

/s/ Royce Taylor
Judge Royce Taylor

CERTIFICATE OF SERVICE

This is to certify that a true and exact copy of the foregoing has been sent via U.S. Mail to the following:

David B. Herbert, Esq.
P.O. Box 198985
Nashville, TN 37219-8985

Ms. Anita J. Vedder
1000 Kilgrow Court
Smyrna, TN 37167-5967

/s/ Angela Sellers
Angela Sellers
Judicial Asst. to Judge
Taylor

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY TENNESSEE AT MURFREESBORO, TENNESSEE

WASHINGTON MUTUAL BANK, FA,	)	
Plaintiff,	)	
vs.	)	**No. 04-7947MI**
ANITA J. VEDDER and a/k/a ANITA JEAN VEDDER and ANITA J. VEDDER, TRUSTEE,	)	
Defendant.	)	

ORDER TO AWARD ATTORNEYS FEES

(Filed May 25, 2004)

This Motion came to be heard on May 14, 2004, whereby Plaintiff made a Motion for the award of attorney's fees in the amount of $6,875.00.

Upon hearing an oral argument of the parties, the Motion is well taken and the Motion is granted in the amount of $6,875.00 for the Plaintiff to be recovered from Anita J. Vedder, and a/k/a Anita Jean Vedder and Anita J. Vedder, Trustee, Defendant.

It is so ORDERED.

ENTERED this the 24th day of May, 2004.

/s/ Royce Taylor
JUDGE ROYCE TAYLOR

IN THE CHANCERY COURT FOR
RUTHERFORD COUNTY AT
MURFREESBORO, TENNESSEE

WASHINGTON MUTUAL BANK, FA, Plaintiff, vs. ANITA J. VEDDER and a/k/a ANITA JEAN VEDDER and ANITA J. VEDDER, TRUSTEE, Defendant.	)	No. 04-7947MI

ORDER

(Filed Apr. 20, 2004)

This cause came on for hearing on the 16th day of April, 2004, upon the plaintiff's motion for judgment on the pleadings. The court, having examined the pleadings, finds that the plaintiff's motion is well-taken.

It is therefore ordered and decreed that the deed of trust dated July 6, 1999 of record in Book B-524, Page 128, of the Register of Deeds office of Rutherford County, Tennessee, be and is hereby declared to be a lien upon the property described therein as of the recording date of the 19th day of July, 1999, at 1:36 P.M.

It is further ordered that the plaintiff shall be entitled to an award of attorney fees upon proper application.

Costs of this matter shall be assessed to the defendant.

DATED this 20th day of April, 2004.

/s/ Royce Taylor
Judge Royce Taylor

Certificate of Service

This is to certify that a copy of the foregoing has been sent via U.S. Mail to the following on this the 20th day of April, 2004:

David B. Herbert, Esq.
Ortale, Kelley, Herbert & Crawford
Third Floor, Noel Place
200 Fourth Avenue North
P.O. Box 198985
Nashville, TN 37219-8985

Ms. Anita J. Vedder
1000 Kilgrow Court
Smyrna, TN 37167-5967

/s/ Angela Sellers
Angela Sellers
Judicial Asst. to Judge
Taylor

CIRCUIT COURT FOR THE STATE OF TENNESSEE
SIXTEENTH JUDICIAL DISTRICT
AT MURFREESBORO

IN THE CIRCUIT COURT
FOR THE STATE OF TENNESSEE
SIXTEENTH JUDICIAL DISTRICT
AT MURFREESBORO

ANITA J. VEDDER,	)	
Plaintiff,	)	
v.	)	**Case Number 47825**
NORTH AMERICAN MORTGAGE COMPANY, a division of WASHINGTON MUTUAL BANK, FA, et al.,	)	**JUDGE CORLEW**
Defendants.	)	

ORDER

(Filed Feb. 13, 2004)

Pending before the Court is Plaintiff's Motion to Supplement and Designate the Record, ("the Motion"). Defendants, through counsel, filed a Response to Plaintiff-Appellant's Motion to Supplement and Designate the Record (the "Response") because the Motion did not identify the items Plaintiff sought to add to the Record. The Court heard oral argument on the Motion on January 23, 2004. At oral argument, Plaintiff provided the Court and counsel for Defendants a list of the documents Plaintiff requested to be added to the Record. A copy of that list is attached hereto. Based on that list, counsel for Defendants informed the Court that Defendants had no objection to the Motion or to the items on the list being added to the Record. Based on the submissions of the parties, oral argument, and lack of objection by the Defendants, the Court finds and orders that the Motion should be granted.

IT IS, THEREFORE, ORDERED that the Motion is GRANTED and the items on the attached list shall be added to the Record in this action and transmitted to the Court of Appeals as soon as practically possible.

Entered this 13 day of February 2004.

/s/ Robert E. Corlew
Robert E. Corlew, III, Judge

APPROVED FOR ENTRY:

/s/ Andrew J. Pulliam
J. Graham Matherne, BPR #11294
Andrew J. Pulliam, BPR # 16863
Wyatt, Tarrant & Combs, LLP
2525 West End Avenue, Suite 1500
Nashville, Tennessee 37203-1423
(615) 244-0020

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 3, 2004, a copy of the foregoing was served by first class United States Mail, postage prepaid, on Anita J. Vedder, 1000 Kilgrow Court, Smyrna, Tennessee 37167, Plaintiff.

/s/ Andrew J. Pulliam
Andrew J. Pulliam

IN THE 16th JUDICIAL CIRCUIT COURT
OF RUTHERFORD COUNTY
At MURFREESBORO, TENNESSEE
STATE OF TENNESSEE

Anita J. Vedder, a sovereign American citizen	)	
Plaintiff	)	**SS**
v	)	
NORTH AMERICAN MORTGAGE COMPANY, and NORTHERN AMERICAN MORTGAGE COMPANY, a division of WASHINGTON MUTUAL BANK, FA and HOMESIDE LENDING, a division of WASHINGTON MUTUAL BANK, FA and WASHINGTON MUTUAL, Inc, the parent, and KERRY K. KILLINGER, d/b/a CHAIRMAN, CHIEF EXECUTIVE OFFICER AND PRESIDENT and Kerry K. Killinger, in his private capacity	)	**Circuit Case # 47825**
DEFENDANTS and Respondent	)	**Appealed to the Court Of Appeals Case # M2003-01682-COA-R3-CV**

PLAINTIFF-APPELLANT'S DESIGNATION OF THE RECORD AND NOTICE OF FILING OF TRANSCRIPT OF MOTIONS HEARING OF <u>OCTOBER 31, 2003</u>

Plaintiff-Appellant comes now to designate the following pleadings, documents, exhibits and transcripts filed in

the records of the 16th Judicial Circuit Court for Rutherford County, Tennessee for transfer to the Tennessee Court of Appeals:

Docket No.	Description	Date Filed
34	Plaintiff's Motion To Set For Trial – left behind –	03-31-03
	Exhibit #2 – left behind – ***Complete*** copy of **The MODERN MONEY MECHANICS, A Workbook on Bank Reserves and Deposit Expansion, published by the Federal Reserve Bank of Chicago**, submitted to the Court and Defense Counsel at the Motions Hearing of May 23, 2003	05-23-03
98	Notice of Mailing Transfer of Record – left behind –	12-18-03
101	Court of Appeals Notice of Action Filed From Trial Court: 01-02-04 – left behind –	01-05-03
	Exhibit #3 – left behind – Plaintiff-Appellant's Motion To Supplement and Designate The Record	01-16-04
	Exhibit #4 – left behind – Transcript of Motions 10-31-03 Hearing Before Chancellor Corlew	01-23-04
	Exhibit #5 – left behind – Certificate of Filing and Notice of Transcript of Motions Hearing 10-31-03	01-23-04
	Exhibit #6 – a copy of Plaintiff's "Declaration of True Citizenship	01-23-04

and Non-Juristic Status," dated June-July 2002	
Exhibit #7 – Plaintiff's name copyright for Truth In Commerce and Contract Tort Waiver with significant silver specie penalties attached for misuse	01-23-04
Exhibit #8 – Plaintiff's Power of Attorney over her strawman	01-23-04
Transcript of Motions Hearing, January 23, 2004	ASA transcribed

Respectfully tendered,
Without Prejudice, UCC 1-207

/s/ Anita J. Vedder
Anita J. Vedder, plaintiff-appellant,
Sovereign pro per

AFFIDAVIT OF SERVICE

This is to certify that, on January 23, 2004 AD, a copy of the foregoing:

ajv was hand-delivered or

___ had been mailed via first class mail, postage pre-paid, to:

___ J. Graham Matherne or

ajv Andrew J. Pulliam of

Wyatt, Tarrant & Combs, LLP
2525 West End Avenue, Suite 1500
Nashville, TN
37203-1423

With All Rights Reserved, UCC 1-207,

/s/ Anita J. Vedder
Anita J. Vedder, plaintiff-appellant
Sovereign pro per

IN THE CIRCUIT COURT FOR THE STATE OF TENNESSEE SIXTEENTH JUDICIAL DISTRICT AT MURFREESBORO

ANITA J. VEDDER,	)	
Plaintiff,	)	
v.	)	
NORTH AMERICAN MORTGAGE COMPANY, a division of WASHINGTON MUTUAL BANK, FA, ET AL.,	)	**Case Number 47825** **JUDGE CORLEW**
Defendants.	)	

ORDER

(Filed Dec. 16, 2003)

Pending before the Court is the Plaintiff's Verified Petition to Vacate a Void Judgment (the "Petition") and Defendants' Motion to Dismiss Plaintiff's Verified Petition to Vacate a Void Judgment (the "Motion"). The Court heard oral argument of the Petition and Motion by Plaintiff and counsel for Defendants on October 31, 2003. Based on the submissions of the parties, oral argument of Plaintiff and counsel for Defendants at the hearing, and the entire record, the Court finds and orders as follows.

In accordance with the Court's letter to the parties dated December 2, 2003, the Court DENIES Plaintiff's Petition and GRANTS Defendants' Motion. The court, therefore, DISMISSES Plaintiff's Petition with Prejudice and AFFIRMS its prior dismissal of this action with prejudice. Costs related to Plaintiff's Petition and Defendants' Motion are taxed to Plaintiff, for which

execution may issue if necessary. This is the final order in this action.

IT IS SO ORDERED.

Entered this 16th day of December, 2003.

/s/ Robert E. Corlew
Robert E. Corlew, III,
Judge

APPROVED FOR ENTRY:

/s/ Andrew J. Pulliam
J. Graham Matherne, BPR # 11294
Andrew J. Pulliam, BPR # 16863
Wyatt, Tarrant & Combs, LLP
2525 West End Avenue, Suite 1500
Nashville, Tennessee 37203-1423
(615) 244-0020

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 3, 2003, a copy of the foregoing was served by first class United States Mail, postage prepaid, on Anita J. Vedder, 1000 Kilgrow Court, Smyrna, Tennessee 37167, Plaintiff.

/s/ Andrew J. Pulliam
Andrew J. Pulliam

IN THE CIRCUIT COURT FOR THE STATE OF TENNESSEE SIXTEENTH JUDICIAL DISTRICT AT MURFREESBORO

ANITA J. VEDDER,	)	
Plaintiff,	)	
v.	)	
NORTH AMERICAN MORTGAGE COMPANY, a division of WASHINGTON MUTUAL BANK, FA, ET AL.,	)	**Case Number 47825** **JUDGE CORLEW**
Defendants.	)	

ORDER

(Filed Jun. 11, 2003)

Pending before the Court is the Plaintiff's Motion to Set Full Judicial Trial Date for Hearing of Plaintiff's Complaint, the Defendants' Motion to Dismiss Complaint, and the Plaintiff's Motion to Quash Defendants' Motion to Dismiss (Her Complaint In Its Entirety). The Court heard oral argument of the motions on May 23, 2003. Based on the submissions of the parties, oral argument of Plaintiff and counsel for Defendants at the hearing on the motions, and the entire record, the Court finds and orders as follows.

For the reasons set forth in the Court's letter to the parties dated May 28, 2003, which is in the record in this action and is incorporated herein by this reference, the Court GRANTS Defendants' Motion to Dismiss Complaint, DENIES Plaintiff's Motion to Set Full Judicial Trial Date for Hearing of Plaintiff's Complaint, and DENIES Plaintiff's Motion to Quash Defendants'

Motion to Dismiss (Her Complaint In Its Entirety). This action is hereby DISMISSED WITH PREJUDICE. Costs of this action are taxes to Plaintiff for which execution may issue if necessary. This is the final order in this action.

IT IS SO ORDERED.

Entered this 11th day of June, 2003.

/s/ Robert E. Corlew
Robert E. Corlew, III,
Judge

APPROVED FOR ENTRY:

/s/ Andrew J. Pulliam
J. Graham Matherne, BPR # 11294
Andrew J. Pulliam, BPR # 16863
Wyatt, Tarrant & Combs, LLP
2525 West End Avenue, Suite 1500
Nashville, Tennessee 37203-1423
(615) 244-0020

Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 3 2003, a copy of the foregoing was served by first class United States Mail, postage prepaid, on Anita J. Vedder, 1000 Kilgrow Court, Smyrna, Tennessee 37167, Plaintiff.

/s/ Andrew J. Pulliam
Andrew J. Pulliam

APPENDIX B
MISCELLANEOUS

Argument and Rationale for Granting the Petition
Introduction: The Historical Perspective of Petitioner's Expatriation

The Preamble to the United States Constitution of 1787 set out six reasons why a limited government should be formed ***to serve the People***, when the founding fathers boldly proclaimed that, "***We the People of the United States***, in Order to form a more perfect Union, (1), establish Justice, (2), insure domestic Tranquility, (3), provide for the common defence, (4), promote the Blessings of Liberty to ourselves (5) and our Posterity, (6), ***do ordain and establish this Constitution for the United States of America***." In so stating, the framers defined the right and proper relationships of sovereign authority to vested power in the private people – ***in dominion over a government which was created and established to serve the minimum and limited needs of its Creators, the People***. The framers understood well the Biblical concept of sovereignty and were themselves, without exception, men of disparate faiths, individually in ***imperfect submission*** to a Most High Sovereign God. Benjamin Franklin, when asked, as he departed the Constitutional Convention in Philadelphia, "*What kind of government have you wrought for us?*", (there being only two forms – monarchy or Republic – at the time), answered succinctly, "*. . . a Republic, if you can hold on to it . . .*". And, listening nearby, George Washington said, "*and in order to keep it, every man must know the law.*" Indeed, a Republican form of government, "if you can keep it", was "***guaranteed*** to every State in this Union" by Article IV, Section 4 of the Constitution. One essential element, unknown, unanticipated, unfathomed by, and therefore beyond the comprehension of the founding fathers in September 1787, was

the whole concept of a "corporate" entity that would give rise to a democratic form of government.

That about which Ben Franklin warned his questioner, "if you can hold on to it", in fact, came to pass, first with passage of the 14th Amendment on July 9, 1868, then with the creation of a federal municipal corporation to govern the District of Columbia on February 21, 1871 and subsequently, with passage by Congress of the Federal Reserve Act of December 23, 1913 and the Emergency Acts of March 9, 1933, such that, over the past 218 years, ***the People*** themselves have acquiesced, essentially and functionally-speaking, ***to lose their effective Republic(s), just as Ben Franklin and Thomas Jefferson feared***. As a consequence, in their exhaustion, depression and apathy following the Civil War, it was the ***People themselves***, after Abraham Lincoln's assassination, who made way for a post-Reconstruction Era democracy based on corporate existence. It was an insidious and progressive process, nibbling a little here in 1868 with the 14th Amendment, that established a corporate commercial juristic identity for all native-born or naturalized non-juristic citizens, to a ***whole lot more*** there in 1913, with the passage of the Federal Reserve Act, which turned over control of the nation's monetary policy to private international and foreign interests – not at all unlike the process of cooking frogs on Maryland's Eastern Shore.

How does one cook a frog, you ask? . . . ***VERRRRY SLOWLY***, . . . so the frog doesn't realize what's happening to him . . . ***until he is so disabled that he can't jump out of the pot***! And so too it was with the citizens of the Republics – until, on March 9, 1933, the nation was declared bankrupt by the Emergency Banking Act, the citizens were defined as the "enemy" by the War Powers

Act and the productive resources of the nation were appropriated in satisfaction of the bankruptcy by the Agricultural Adjustment Act, all of that date. There were now no more functional Republics in actual operation. There were, however, a very few bare legislative safeguards, installed by the Expatriation Act of July 27, 1868, to provide recourse and remedy to those individuals, who like Petitioner, preferred to live, et vir, in the respective Republics of their own home state, as she was guaranteed by the Constitution.

With the passage of the Expatriation Act of 1868 less than three weeks after the requisite three-fourths of the states ratified the 14th Amendment, *and only one day prior to the 14th Amendment's effective date,* ***recourse and remedy was assured*** for those choosing ***not to live in subjugation*** to the government. That Act, never having been repealed, provides the current lawful basis for the statutory provisions at 8 U.S.C. § 1481(a)(5) and (6) and (b), for which there now exists no underpinning legislative authority in the ***current*** US Code.

Please understand: Let there be absolutely no doubt concerning the allegiance, patriotism or faithfulness of this Repatriated Petitioner to this nation. As evidenced by the facts reflected in the content of her Declaration of True Citizenship and Non-juristic Status itself, her allegiance and patriotism can hardly be questioned!! She holds a deep and abiding reverence and respect for the law, to the extent it conforms to the organic instruments of the Republic(s).

Petitioner has absolutely no quarrel with a government corporation that seeks to regulate its own corporate property. Petitioner's squabble comes when the corporate

government seeks to impose itself illegally and unlawfully, and with a ***mighty vengeance, without full disclosure, and under color of law***, upon and against a common law-abiding and unincorporated individual human being of this fine nation. This Petitioner ***used to be*** an unsuspecting product of the corporate democratic society in which she was raised – until three years ago – at which time she, like the Whites, . . . quite independently, began to seriously search out her own alternatives within the law, . . . coming to an ultimate personal decision to exercise that recourse and remedy which would re-establish her in a very intimate relationship, as a still-imperfect human being, under ***the sole authority*** of her Most High Sovereign God. Having discovered and come to an understanding of her 14th Amendment subjugation, she put feet in action to the words of Joshua's charge to the nation of Israel, in Joshua 28:14-28, but specifically in verse 15, " . . . choose for yourselves this day whom you will serve, . . . But as for me and my house, we will serve the Lord." In reclamation of that *most respectful* personal sovereignty, Petitioner was, ***according to the constitutional and statutory law of the United States***, now emancipated and sovereign, in dominion over the government and no longer subject to the statutory requirements of 14th Amendment citizens. By its actions in each of these cases and the collateral 8th Circuit actions, government has shown itself still to be in unilateral opposition to any manumission of its 14th Amendment citizen-slaves. As you will recollect, the precise verbiage of the 14th Amendment reads:

"Section 1. All persons born or naturalized in the United States ***and subject to the jurisdiction thereof***, are citizens of the United States and of the State ***wherein they reside***.

Section 2. ***Congress shall have power to enforce this article by appropriate legislation.***"

Jennifer M. Gerhart, Register
Rutherford County Tennessee

Rec #:	382957	Instrument 1262590
Rec'd:	40.50	NBk: 74 Pg 262
State:	0.00	Recorded
Clerk:	0.00	4/1/2004 at 1:50 PM
EDP:	2.00	in Record Book
Total:	42.50	372 Pages 444-508

Record Book
372 Pg 444

PERSONALLY REDACTED
FROM THE ORIGINAL
ON FILE

(Filed February 9, 2004)

THE ABOVE SPACE IS FOR FILING
OFFICE USE ONLY

UCC FINANCING STATEMENT
FOLLOW INSTRUCTIONS (FRONT AND BACK) CAREFULLY

A. NAME & PHONE OF CONTACT AT [ILLEGIBLE] Anita Jean Vedder – (615) 223-9112
B. SEND ACKNOWLEDGEMENT TO: (Name and Address) Anita J. Vedder Without Prejudice, UCC 1-297 In Care of 1000 Kilgrow Court Smyrna, Republic of Tennessee pz [37167-8967]

1. DEBTOR'S EXACT FULL LEGAL NAME – Insert only one debtor name (do not abbreviate or combine names)				
OR	1a. ORGANIZATION'S NAME			
	1b. INDIVIDUAL'S LAST NAME VEDDER	FIRST NAME ANITA	MIDDLE NAME JEAN	SUFFIX
1c. MAILING ADDRESS Without Prejudice, Ucc1-207; % 1000 Kilgrow Court			CITY SMYRNA	STATE TN
	POSTAL CODE 37167-5967		COUNTRY USA	
1d. SEE INSTRUCTIONS	ADD'L INFO. ORGANIZATION DEBTOR		1e. TYPE OF ORGANIZATION CORPORATION	
1f. JURISDICTION OF ORGANIZATION NEW YORK	1g. ORGANIZATION ID NUMBER IF ANY ■■■■■-4114 ☐ NONE			

2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME – Insert only <u>one</u> debtor name (2a or 2b – do not abbreviate or combine names)				
OR	2a. ORGANIZATION'S NAME			
	2b. INDIVIDUAL'S LAST NAME	FIRST NAME	MIDDLE NAME	SUFFIX
2c. MAILING ADDRESS			CITY	STATE
	POSTAL CODE		COUNTRY	
2d. SEE INSTRUCTIONS	ADD'L INFO ORGANIZATION DEBTOR		2e. TYPE OF ORGANIZATION	
2f. JURISDICTION OF ORGANIZATION	2g. ORGANIZATION ID NUMBER IF ANY ☐ NONE			

3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE or ASSIGNOR S/P) – Import only one secured party name (3a or 3b)				
OR	3a. ORGANIZATION'S NAME			
	3b. INDIVIDUAL'S LAST NAME VEDDER	FIRST NAME ANITA	MIDDLE NAME JEAN	SUFFIX
3c. MAILING ADDRESS Without Prejudice, UCC 1-207; % 1000 Kilgrow Court		CITY SMYRNA	STATE TENN	
	POSTAL CODE pz [37167-5967]	COUNTRY u Sof A		

4. This FINANCING STATEMENT covers the following collateral:

Truth in Commerce and Contract Tort Waiver; Power of Attorney; Declaration of True Non-Juristic Status; Private Property whose mailing address is Without Prejudice, UCC 1-207; In Care of 1000 Kilgrow Court; Smyrna, Republic of Tennessee, pz [37167-5967], the legal description, BEING all of Lot No. 28, Hickory Trace, as shown by plat and survey of record in Plat Book 17, Page 19, of the Register's Office of Rutherford County, Tennessee, to which plat reference is hereby made for a more complete and accurate description of said lot. Being a part the same property conveyed to Johnson & Sivey, a limited partnership by deed of record in Deed Book 489, Page 706, Register's Office for said County; is improved property, situated in the County of Rutherford, Tennessee; transferred to ANITA J. VEDDER, Record Book 546, Page 460, and conveyed to ANITA J. VEDDER REVOCABLE LIVING TRUST, dated June 5, 1996, the Record Book 574, Page 557; quitclaimed and conveyed by same as Trustee on Dec. 27, 2000 to ANITA J. VEDDER FAMILY LIMITED PARTNERSHIP #2, in Record Book 39, Page 1834; quitclaimed and conveyed by same as General

Partner, to anita jean vedder, an American national and citizen of the Republic of Tennessee, in Record Book 192, Page 125-126, on October 3, 2002, thereby removing same from the public tax rolls as the private property of Anita Jean Vedder, *sui Juris*, one and the same, Record Book 332, Page 2743, Maximum Principal Indebtedness For Tennessee Recording Tax Purposes: $0.00<

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

June 17, 2002

Executive Office of the President
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Attn: George W. Bush, President of the [corporate] UNITED STATES

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested
RR 584-483-167-US

Greetings, Mr. President:

You are hereby SERVED with the attached thirty-eight (38) page "Declaration of True Citizenship and Non-juristic Status," hereinafter referred to as "Declaration," by and for Anita Jean Vedder. This Declaration now serves as FORMAL and ACTUAL NOTICE to the highest administrative [corporate] UNITED STATES[1] Officer, of my True Citizenship and Non-juristic Status, nunc pro tunc[2],

---

[1] The term "UNITED STATES" (within this document) when spelled in all UPPERCASE letters refers to the de facto [corporate] United States with jurisdiction only in Washington, D.C. and the Territories.

[2] "Latin, 'Now for then'. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect; i.e., with the same effect as if regularly done". Black's Law Dictionary 5th Edition.

which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me for years (without full disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government in an attempt by said government to make me an incompetent "child of the STATE". This document completely and unequivocally establishes me, Anita Jean Vedder, as a Sui juris[3] American Citizen/National (state Citizen)[4] in the Republic of the freely associated united States, and in particular, the Tennessee state (Republic). As such, I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES[5] and its affiliate [federal corporate sub-entity] STATES.

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent American people have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

---

[3] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." Black's Law Dictionary, 5th Edition.

[4] The term Citizen as used throughout this Declaration has the meaning of a living man (Female) who is "One of the sovereign people. A constituent member of the sovereignty synonymous with the people. Scott v. Sandford, 19 How. 404, 15 L. Ed. 691" Black's Law Dictionary 3rd Edition. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and NOT a 14th Amendment citizen or subject of the Legislative Democracy of the U.S. Federal government.

[5] The Jurisdiction of the UNITED STATES is limited to Washington, D.C. and the Territories (see Art. I, Section 8, Clause 17 of the Constitution for the United States).

Having recently come to an understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this FORMAL and ACTUAL NOTICE of Declaration in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the statutory [corporate] UNITED STATES Officer, pursuant to 8 USCA §1481 (6), – under martial rule, that would be you, Sir, – that the newly discovered fraud which has for years been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, ab initio[6], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, nunc pro tunc[7], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

The U.S. supreme Court declared in the case of *Hooven and Allison v. Evatt*[8] that:

> *The term 'United States' may be used in any one of several senses. It may be merely:*
>
> *[1] the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America"), or*

---

[6] Latin From the beginning.

[7] Ibid 2.

[8] *Hooven & Allison Co. v. Evatt*, U.S.Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252.

[2] it may designate the territory over which the sovereignty of the United States extends [324 U.S. 652, 672], (hereinafter referred to as "UNITED STATES"); or,

[3] it may be the collective name of the states which are united by and under the Constitution. (hereinafter referred to as "united States of America")

Be advised that I am not expatriating from the United States or these united States of America the country (the first and third definitions above). I am expatriating from the municipal corporation (*de facto* UNITED STATES and its [federal corporate sub-entity] STATES) which is the second definition above. The UNITED STATES is located and has jurisdiction only in the District of Columbia, U.S. military bases, federal territories and other areas (land) ceded to the United States of America. UNITED STATES citizenship is derived from section 1 of the 14th Amendment to the Constitution.

To remove all doubt, the municipal corporation from which I am expatriating is described in *U.S.C. Title 28, §3002*. Definitions as follows:

(15) "United States" means –

(A) a Federal corporation;

(B) an agency, department, commission, board, or other entity of the United States; or

(C) an instrumentality of the United States.

My allegiance is to the Tennessee state (Republic) and then to these united States of America as they each submit to and adhere to the limitations on their respective powers as set forth in the Constitution for the United States.

Be advised that in all future interaction with the government, if the term "U.S. CITIZEN" appears in all

capitals on any form or application, including, but not limited to, voter registration, driver's license, etc, then the meaning attributed to such ambiguity (given the three definitions of "United States" above) by me and by implication also you and your agents, shall *NOT* be that of a 14th Amendment citizen or a "UNITED STATES citizen", but rather that of an "American Citizen/National (state Citizen)", "United States Citizen" or "united States of America Citizen" until or unless a contrary intent is *clearly expressed* by the government to remove all ambiguity created by the use of all capital letters. This also applies retroactively to any government forms I may have completed in the past. Thus, I will *not be jeopardizing the state Citizenship status established in this Declaration by any interaction with the government either in the past or in the future*. The government is chargeable with full knowledge of this reality in all its dealings with me as an American Citizen/National (state Citizen).

In the highly unlikely event that I overlooked key information during my exhaustive research, and government agencies did, in fact, fully disclose to me their intention to disconnect me from my birthright and God-given and constitutionally protected unalienable rights, and instead virtually enslave me, and should you find this *Declaration* to be deficient or insufficient in any way to accomplish the changes in your documentation necessary to correctly reflect my citizenship as an "American Citizen/ National (state Citizen)", then you are hereby directed to notify me in writing within twenty (20) days from the date this *Declaration* and ACTUAL NOTICE is hand delivered to you if you have any evidence, questions, rebuttals, corrections, disputes, or other information to the contrary, regarding my birthrights and this *Declaration of True Citizenship and Non-juristic Status*.

Under the Uniform Commercial Code (UCC), §1-205, your failure to respond in writing by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE is hand delivered to you shall:

- Cause the permanent forfeit any and all claims by the UNITED STATES and its [federal corporate sub-entity] STATE governments to the contrary;
- Constitute an affirmative act of approval of and compliance with the wishes expressed by me in this Declaration of True Citizenship and Non-juristic Status;
- Establish that this Declaration is in full force and effect; further, this evidence (Declaration) setting forth my lawful status as a fully competent sovereign[9] American Citizen/National (state Citizen) – Expatriated, Repatriated and restored to my full and unprejudiced birthright – is firmly established in law.

Should you respond as directed above, you must:

1. Address all correspondence to the mailing location EXACTLY as indicated in the letterhead above;
2. Personally sign any correspondence you send to me;
3. Include references to the law, Code of Federal Regulations, and the Federal Register which requires any additional information or forms you are requesting or which directly rebuts this Declaration; and

---

[9] That is, a part of the collective sovereignty called "We the People" and not an individual king or queen Sovereign.

4. Use an OMB-approved document which complies with the requirements of the Paperwork Reduction Act by stating whether disclosing the information is "mandatory" or "voluntary", the code or regulation requiring disclosure if mandatory, and by providing an OMB control number and expiration date clearly visible on the form.

Upon your failure to serve me with your timely written objections by midnight twenty (20) days from the date this Declaration and ACTUAL NOTICE is hand delivered to you, you are hereby directed to adjust all records within the jurisdiction of the UNITED STATES including, but not limited to, Social Security Administration, Internal Revenue Service (IRS), The State Department, and the [federal corporate sub-entity] STATES to reflect my correct state Citizenship and fully competent and non-juristic status.

NOTICE TO THE PRINCIPAL
IS NOTICE TO THE AGENT
NOTICE TO THE AGENT
IS NOTICE TO THE PRINCIPAL
Applicable to all successors and assigns
Silence is Acquiescence

Thank you for your cooperation in this matter.

Sincerely,

/s/ Anita Jean Vedder
Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

Enc: Declaration of True Citizenship and Non-Juristic Status pages 4-38

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1. DECLARATION OF TRUE CITIZENSHIP AND NON-JURISTIC STATUS

The right to forswear allegiance and to expatriate is a fundamental right of liberty. The Fortieth Congress of the UNITED STATES recognized that "the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness."[10] The Fortieth Congress of the

[10] Fortieth Congress Session II Ch. 249,250, 1868. Approved July 27, 1868.

UNITED STATES also recognized that "any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government."[11] Furthermore, the supreme court of the UNITED STATES also recognized one's "right to forswear allegiance and expatriate oneself."[12]

I, Anita Jean Vedder, am a natural born "Woman" and Tennessee state Citizen, born on the soil of New York state (Republic) in the year of our Lord, One Thousand Nine Hundred Forty One (1941). I am currently recognized by the *de facto*[13] UNITED STATES[14] as a citizen[15] of the UNITED STATES. Based upon my natural right to forswear allegiance and expatriate, I, Anita Jean Vedder, in the Names of: Almighty God, Natural Law, Common Law, the Declaration of Independence and The Law of Nations, do solemnly say, publish and make this Declaration of True Citizenship and Non-juristic Status, of right [both unalienable and remedial], hereinafter referred to as

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[11] Ibid.

[12] Committee for Industrial Organization v. Hague, 25 F. Supp. 127, 141 (DCNJ).

[13] "This phrase is used to characterize an officer, a government, a past action, or a state of affairs which must be accepted for all practical purposes, but is illegal or illegitimate." Black's Law Dictionary 5th Edition.

[14] Throughout this Declaration, the use of "UNITED STATES" (note CASE) (not including direct quotes) means the de facto [foreign jurisdiction] UNITED STATES government; a legislative democracy and a municipal corporation of the District of Columbia.

[15] The use of "citizen" throughout this Declaration (with the exception of direct quotes) means the encumbered fictional person who is a member (citizen) of the de facto UNITED STATES.

Declaration, and expatriate[16] *in personam*[17] and in res[18] from the *de facto* UNITED STATES,[19] and repatriate[20] *in personam* and *in res*, and return, *in toto*, as a fully competent and unencumbered sovereign[21] state Citizen to the *de jure* Tennessee state (Republic) and subsequently to the *de jure* united States of America (Republic of the freely associated united States), only as each respectively submit to and adhere to the limitations of their respective powers as set forth in their respective organic Constitutions, and as guaranteed by Article IV, Section 4 of the Constitution for the United States[22] and Amendments I through X [hereinafter referred to as "the Constitution"]

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[16] The use of "Expatriate/Repatriate" is for the purpose of clarity. Technically speaking, I do not need to "Expatriate/Repatriate" since the contracts which allegedly converted me into a U.S. citizen are voided ab initio by this Declaration and therefore, I never was a U.S. federal citizen and only an American Citizen/National (state Citizen).

[17] [Latin "against a person"] "Action seeking judgment against a person involving his personal rights and based on jurisdiction of his person, as distinguished from a judgment against property." Black's Law Dictionary, 5th Edition.

[18] [Latin "Thing"] "A technical term used to designate proceedings or actions instituted against the thing . . . " Black's Law Dictionary, 5th Edition.

[19] The Incorporation of District of Columbia by Act of Congress February 21, 1871, under the Emergency War Powers Act and the Reconstruction Acts.

[20] Ibid. 16.

[21] That is, a part of the collective sovereignty called "We the People" and not a king or queen individually.

[22] The use of "United States or united States of America" (note Case) in this Declaration (not including direct quotes) means the de jure United States of America (Republic) which ceased to exist when the "Civil War" started.

Any and all political affiliations, connections, alleged contractual obligations or indentures, implied by operation of law, statute, custom, usage, regulation, hidden contracts, unpublished legal theories, or otherwise in trust with said legislative democracy are hereby DECLARED NULL AND VOID, and vitiated nunc pro tunc,[23] for fraud (as detailed below), this Seventeenth day of June, in the year of our Lord, Two Thousand Two (2002).

I further declare and detail below the causes which provoked me to this *Declaration* as follows:

2 HISTORICAL BACKGROUND

The Introduction to *Senate Report 93-549 (93rd Congress, 1st Session, 1973)*[24] summarizes the situation in America very well:

> *"A majority of the people of the United States have lived all of their lives under emergency rule.. And, in the United States, actions taken by the Government in times of great crises have – from, at least, the Civil War – in important ways, shaped the present phenomenon of a permanent state of national emergency."*

When the Southern states walked out of Congress on March 27, 1861 (around the beginning of the "Civil war," the quorum to conduct business under the Constitution for

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[23] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done." Black's Law Dictionary 5th Edition.

[24] The entire text can be found at http://www.freedomsite.net/93-549.htm.

the United States was lost. Thus, the only votes that Congress could lawfully take, under Parliamentary Law, were those to set the time to reconvene, take a vote to get a quorum, and vote to adjourn and set a date, time, and place to reconvene at a later time. But instead, Congress apparently abandoned the House and Senate without setting a date to reconvene. Under the parliamentary law of Congress, when this happened, Congress became *sine die* (literally "without day"). When Congress adjourned *sine die*, it ceased to exist as a lawful deliberative body, and thus the only lawful, constitutional power that could declare war was no longer lawful, or in session.

The Southern states, by virtue of their secession from the Union, also ceased to exist *sine die*, and some state legislatures in the Northern bloc also adjourned *sine die*. Thus, all the states which were parties to creating the Constitution for the united States of America apparently ceased to exist. On April 15, 1861, President Lincoln executed the first executive order; the **Lincoln Executive Proclamation 1.**[25] Since that time, the President under executive powers has ruled these united States of America. When Congress eventually did reconvene, it was reconvened under the military authority of the Commander-in-Chief and not by Rules of Order for Parliamentary bodies or by Constitutional Law, thus placing the American people under martial rule ever since the first national emergency declared by President Lincoln.

Thus, the Constitution for the united States of America had subsequently temporarily ceased being the

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[25] The entire text can be found at http://www.historyplace.com/lincoln/proc-1.htm.

acknowledged law of the land in many courts, and the President, Congress, and the courts have unlawfully presumed that they were free to remake the nation in a new image, whereas, lawfully, no constitutional provisions were in place which afforded power to any of the actions which were taken which presumed to place the nation under the new form of control.

President Lincoln apparently knew that his executive orders no longer had any force under Constitutional Law, and thus he commissioned **General Orders No. 100 (April 24, 1863)**[26] apparently as a special code to govern his actions under martial law and to justify the seizure of power, which further extended the laws of the District of Columbia and which also fictionally implemented the provisions of **Article I, Section 8, Clauses 17-18**[27] of the Constitution beyond the boundaries of Washington, D.C. and into the freely associated united States. **General Orders No. 100**, also called the **Lieber Instructions** and the **Lieber Code**, have apparently extended The Laws of War and International Law onto American soil, and the UNITED STATES government has become the presumed military conqueror of the Sovereign People (state Citizens) of the freely associated united States since the beginning of the Civil War.

Martial rule has been kept secret (see Section 3.3.2) and has never ended. Lincoln was assassinated before he

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[26] The entire text can be found at http://www.tufts.edu/departments/fletcher/multi/texts/historical/LIEBER-CODE.txt.

[27] The entire text can be found at http://www.universalway.org/constitution.html.

could complete the implementation of his plan to constitutionally and not militarily reform the Southern governments and restore the *de jure* national Congress. These united States of America have apparently been ruled ever since under Military Law by the Commander in Chief of that military – the President – under his assumed executive powers and according to the policies of his issued executive orders. Constitutional law under the original Constitution for the United States of America and the Bill of Rights is apparently enforced only as a matter of keeping the public peace under the provisions of **General Orders No. 100** under martial rule. And under Martial Law, title is a mere fiction, since all property belongs to the military except for that property which the Commander-in-Chief may, in his benevolence, exempt from taxation and seizure and upon which he allows the "enemy" to reside.

Since President Lincoln was assassinated before he could complete his plans for reinstituting constitutional government and ending martial law rule by executive order, **the 14th Amendment**[28] to the Constitution has further complicated matters by creating a new citizenship status for the expanded jurisdiction (see Section 3.1.1). Laws for the District of Columbia were proposed and passed by Congress in 1871, the District of Columbia was incorporated in 1872, and all states in the Union were apparently reformed as Franchisees [or instrumentalities] of the Federal Corporation in a way that a new level of union of the UNITED STATES was created. The key to

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[28] The entire text can be found at http://www.universalway.org/billofrights.html.

when the STATES became Franchisees [or instrumentalities] of the UNITED STATES is apparently related to the date when such STATES enacted the Field Code into law. The Field Code was a codification of aspects of the common law that was adopted first by the State of New York[29] and then by the State of California in 1872, and shortly afterwards the **Lieber Code** was used to bring the UNITED STATES into the 1874 Brussels Conference and into the Hague Conventions of 1899 and 1907.

In 1917, the Trading with the Enemy Act[30] was passed which defined, regulated, and punished trading with enemies, who were then required by that act to be "licensed" by the government to do business. The National Banking System Act (Public Law 73-1, 73rd Congress, Session I, Chapter 1, March 9, 1933), Executive Proclamation 2038 (March 6, 1933), Executive Proclamation 2039 (March 9, 1933), and Executive Orders 6073, 6102, 6111 and 6260 show that, in 1933, the UNITED STATES which was formed under the executive privilege of the original martial rule went bankrupt, and a new state of national emergency was declared under which Citizens of the united States of America were, for the first time, identified as the "enemy" of the UNITED STATES and of the banking system as per the provisions of the Trading with the Enemy Act. The common law legal system upon which the Constitution was based was essentially nullified in 1938

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[29] It appears that "State of" or "STATE" refers to one of the de facto [federal corporate sub-entity] STATES (e.g., State of New York or NEW YORK). Throughout this Declaration (with the exception of direct quotes) "State of" or "STATE" refers to the de facto STATE; a sub entity of the UNITED STATES and NOT the de jure (Republic) state.

[30] The entire text can be found at http://www.apfn.org/apfn/1933.htm.

through the Supreme Court decision in the case of Erie Railroad Co. v. Tompkins, 304 US 64, 82 L.Ed. 1188, and in 1945 the UNITED STATES gave up additional remaining national sovereignty when it signed the United Nations Treaty Charter, making "UNITED STATES citizens" subject to United Nations jurisdiction.

Arguments that suggest that the Treaty of Paris of 1783[31] was not a lawful or legal treaty of peace between warring nations and that the American Colonies never really attained or obtained lawful or legal sovereignty, must also presume, by their own argument, that the Constitution for the united States of America and the Bill of Rights were never organic documents of true lawful or legal standing.

The conclusion that can be made from all of the information available is that the Constitution for the united States of America and the Bill of Rights are no longer in effect in their original or present form or where they conflict with the United Nations Treaty and other international treaties and/or agreements. Citizens of the sovereign freely associated united States who were previously sovereigns protected by the common law are now apparently "citizens of the UNITED STATES" and are thus apparently subject to International Admiralty jurisdiction. The UNITED STATES is presently under several different states of emergency with Admiralty/Military Law being the prevailing legal system.[32]

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[31] The entire text can be found at http://www.yale.edu/lawweb/avalon/diplomacy/britian/paris.htm.

[32] see http://www.universalway.org/majorpremise.html.

3 U. S. FEDERAL GOVERNMENT CONSIDERATIONS

Included in this Section are those issues within the UNITED STATES Federal Government relative to my freedom which have provoked me to make this *Declaration.*

3.1 Legislative Department Considerations

Relative to the UNITED STATES federal government and more specifically within the Legislative

Department of said government, I include in this subsection issues relative to my freedom which have provoked me to make this Declaration.

3.1.1 14th Amendment citizenship

Since President Lincoln was assassinated before he could complete his plans for reinstituting constitutional government and ending martial law rule by executive order (as stated previously), the 14th Amendment[33] to the Constitution has further complicated matters by creating a new citizenship status for the expanded jurisdiction of the UNITED STATES and the Laws for the District of Columbia.

It states, "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the freely associated united States." This clause guarantees the Citizens of each State the same rights as every other Citizen in every other State. The concept of Citizenship in

[33] The entire text can be found at http://www.universalway.org/billofrights.html.

the United States was originally quite different than it is commonly held today. Article IV, Section 2 of the Constitution deals with the privileges and immunities of Citizens of the United States.

The following quotations from court rulings and political speeches demonstrate and illustrate this kind of citizenship.

> *"A citizen of one state is to be considered as a citizen of every other state in the union."*[34]

> *"A citizen of any one of the States of the Union, is held to be, and called a citizen of the United States, although technically and abstractly there is no such thing. To conceive a citizen of the United States who is not a citizen of some one of the States, is totally foreign to the idea, and inconsistent with the proper construction and common understanding of the expression as used in the Constitution, which must be deduced from its various other provisions."(Emphasis added)*[35]

> *"The Senator from Delaware (Mr. Clayton), as well as others, has relied with great emphasis on the fact that we are citizens of the United States. I do not object to the expression, nor shall I detract from the proud and elevated feelings with which it is associated; but I trust that I may be permitted to raise the inquiry. In what manner are we citizens of the United States? Without weakening the patriotic feeling with which, I trust, it will ever be uttered. If by citizen of the United States*

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[34] Butler v. Farnsworth, Federal Cases, Vol. 4, pg. 902 (1821).

[35] Ex parte. – Frank Knowles, California Reports, Vol. 5, pg. 302 (1855).

he means a citizen at large, one whose citizenship extends to the entire geographical limits of the country, without having a local citizenship in some State or territory, a sort of citizen of the world, all I have to say is, that such a citizen would be a perfect nondescript; that not a single individual of this description can be found in the entire mass of our population. Notwithstanding all the pomp and display of eloquence on the occasion, every citizen is a citizen of some State or territory, and, as such, under an express provision of the constitution, is entitled to all privileges and immunities of citizens in the several States; and it is in this, and in no other sense, that we are citizens of the United States."[36]

From these quotations, the following summary may be drawn regarding the original concept of citizenship in this nation:

1. Natural born individuals were Citizens in the State in which they were born.

2. Due to the equality clause of the Constitution, if an individual is a Citizen in one state, then he also is to be treated as a Citizen would be treated in any of the other freely associated united States.

3. There was no such thing as being a citizen of the entire nation. This concept was totally foreign to the founders.

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[36] Speech by Senator John C. Calhoun of South Carolina on the Force Bill, February 16, 1833, reprinted in "Union and Liberty, The Political Philosophy of John C. Calhoun," edited by Ross M. Lence, Liberty Fund, 1992, pp. 443-4.

4. The rights of being a Citizen of the United States are concisely outlined in The Declaration of Independence:

> *"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."*[37]

The phrase "unalienable[38] Rights" is recognition of rights which were bestowed upon us by our Creator and cannot be taken away from us except by God or "due process of law." The implication of these rights is that they are not granted by any governing body or government and therefore, these rights cannot be taken away by any governing body or government, except by "due process of law"[39] based on cases wherein one has damaged or has committed a trespass upon another man's person[40], property or rights.

In the period following the Civil War, the Congress of UNITED STATES passed – and the freely associated united States ratified – the 14th Amendment to the Constitution (although there is serious doubt as to its having been properly adopted as required by the Constitution).[41] This amendment recognizes the "privileges and

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[37] Declaration of Independence, paragraph 2.

[38] " . . . incapable of being aliened, that is, sold and transferred. Inalienable rights. Rights which can never be abridged because they are so fundamental." Black's Law Dictionary, 5th Edition.

[39] U.S. Constitution, Amendment V.

[40] The use of the word person, persona, throughout this declaration (with the exception of quotations) means the real live man (Female).

[41] There is considerable evidence that the passing of the 14th Amendment is suspect. However, for this Declaration, we will consider

(Continued on following page)

immunities of citizens of the United States." Subsequent court rulings have recognized that the 14th Amendment created a second class of citizenship.[42]

> *"We have in our political system a government of the United States and a government of each of the several states. Each one of these governments is distinct from the others, and each has citizens of its own who owe it allegiance, and whose rights, within its jurisdiction, it must protect. The same person may be at the same time a citizen of the United States and a citizen of a state, but his rights of citizenship under one of these governments will be different from those he has under the other."*[43] *(Emphasis added)*

> *"It is quite clear, then, that there is a citizenship of the United States and a citizenship of a state, which are distinct from each other and which depend upon different characteristics or circumstances in the individual."*[44]

> *"That there is a citizenship of the United States and a citizenship of a state, and the privileges and immunities of one are not the same as the other is well established by the decisions of the courts of this country. The*

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it properly enacted. For a more detailed explanation of this issue, see Dyett v. Turner, 439 P2d 266, @ 269, 20 U2d 403 [1968] and the House Congressional Record of June 13, 1967, pg. 15641.

[42] Up until the passing of the 14th Amendment, the word Citizen was uniformly capitalized and after the 14th Amendment was passed, the word citizen has been consistently not capitalized.

[43] United States v. Cruikshank, 92 U.S. 542 (1875).

[44] Slaughter House Cases, 83 U.S. 36, 16 Wall. 36; 21 L.Ed. 394 (1873).

> *leading cases upon the subjects are those decided by the Supreme Court of the United States and reported in 16 Wall. 36, 21 L. Ed. 394, and known as the Slaughter House Cases."*[45]

> *"Both before and after the Fourteenth Amendment to the federal Constitution, it has not been necessary for a person to be a citizen of the United States in order to be a citizen of his state."*[46]

The "immunities and privileges" of a 14th Amendment UNITED STATES citizen are different from the "rights" of a State Citizen.

> *"Privileges and immunities clause of the Fourteenth Amendment protects only those rights peculiar to being [a] citizen of [the] federal government; it does not protect those rights which relate to state citizenship."*[47] *(Emphasis added)*

> *"Citizenship is a political status, and may be defined as a privilege limited by Congress."*[48]

The last case cited makes it very clear that the "immunities and privileges" of a UNITED STATES federal citizen may be regulated by the Federal government. The following cases cited make it clear that a federal citizen

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[45] K. Tashiro v. Jordan, 256 pp. 545, 549 (1927); affirmed 278 U.S. 123 (1928).

[46] Crosse v. Board of Supervisors of Elections, 221 A. 2d 433.

[47] Jones v. Temmer, Federal Supplement, Vol. 829, pg. 1227 (1993).

[48] Ex Parte (NG) Fung Sing, Federal Reporter, 2nd Series, Vol. 6, pg. 670 (1925).

does not enjoy the protection of the Bill of Rights, and that the rights of the federal citizen are specific and limited.

> *"We have cited these cases for the purpose of showing that the privileges and immunities of citizens of the United States do not necessarily include all the rights protected by the first eight amendments to the Federal Constitution against the powers of the Federal government. They were decided subsequently to the adoption of the Fourteenth Amendment . . .* [49]

> *"Privileges and immunities of citizens of the United States, on the other hand, are only such as arise out of the nature and essential character of the national government, or are specifically granted or secured to all citizens or persons by the Constitution for the United States." Slaughter-House Cases, supra, p.79; Re Kemmler, 136 U.S. 436, 448, 34 L.ed. 519, 524, 10 Sup.Ct.Rep. 930; Duncan v. Missouri, 152 U.S. 377, 382, 38 L.ed. 485, 487, 14 Sup.Ct.Rep. 570. Thus, among the rights and privileges of national citizenship recognized by this court are the right to pass freely from state to state (Crandall v. Nevada, 6 Wall. 35, 18 L.ed. 75); the right to petition Congress for a redress of grievances (United States v. Cruikshank, supra); the right to vote for national officers (Ex parte Yarbrough, 110 U.S. 651, 28 L.ed. 274, 4 Sup.Ct.Rep. 152; Wiley v. Sinkler, 179 U.S. 58, 45 L.ed. 84, 21 Sup.Ct. Rep. 17); the right to be protected against violence while in the*

[49] Maxwell v. Dow, 176 US 598 (1900).

> *lawful custody of a United States Marshall (Logan v. United States, 144 U.S. 263, 36 L.ed. 429, 12 Sup.Ct. Rep. 617); and the right to inform the United States authorities of violation of its laws (Re Quark, 158 U.S. 532, 39 L.ed. 1080, 15 Sup.Ct.Rep. 959).*"[50]

Attorney General Edward Bates, who held the same office at the time the UNITED STATES Congress passed the 14th Amendment, issued an opinion that is relevant to the amendment. He recognized that the Congress had given citizens the right to expatriate. Part of his opinion is quoted below.

> "*. . . our Constitution, in speaking of natural born citizens, uses no affirmative language to make them such, but only recognizes and reaffirms the universal Principle, common to all nations, and as old as political society, that the people born in a country do constitute the nation, and, as individuals, are natural members of the body politic.*
>
> "*If this be a true Principle, and I do not doubt it, it follows that every person born in the Country is, at the moment of birth, prima facie a Citizen; and he who would deny it must take upon himself the burden of proving some great disenfranchisement strong enough to override the "natural born" right as recognized by the Constitution in terms the most simple and comprehensive, and without any reference to race or color, or other accidental circumstance.*

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[50] Twining v. New Jersey, 211 US 78 (1908).

> *"That nativity furnishes the rule, both of duty and of right, as between the individual and the Government, is a historical and political truth so old and so universally accepted that it is needless to prove it by authority . . .*
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> *"In every civilized Country, the individual is born to duties and rights, the duty of allegiance and the right to protection; and these are correlative obligations, the one the price of the other, and they constitute the all-sufficient bond of union between individual and his Country; and the Country he is born in is, prima facie, his Country. In most countries the old law was broadly laid down that this natural connection between the individual and his native country was perpetual; at least, that the tie was indissoluble by the act of the subject alone . . . "*
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> *"But that law of the perpetuity of allegiance is now changed . . . "*[51]

The fact that my birth in the New York state (Republic) is taken as prima facie evidence of my alleged UNITED STATES citizenship is very significant to the actions I take in this *Declaration*. Prima facie evidence is that which is "a fact presumed to be true unless disproved by some evidence to the contrary."[52] This Declaration of True Citizenship and Non-juristic Status rebuts and

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[51] Edward Bates, United States Attorney General, 10 Opinions of the Attorney General, pp. 382 to 394, W.H. & O.H. Morrison, Washington (1868).

[52] [Latin "At first sight"] Black's Law Dictionary, 5th Edition.

refutes the prima facie evidence of my alleged UNITED STATES citizenship.

The federal courts rarely have ruled on what draws an individual into the status of citizen of the UNITED STATES. However, there is one case which indicates that I have been drawn into this status by at least two [and possibly more] hidden contracts. It was declared, by the Department of Justice, and concurred with by a UNITED STATES District [merchant] judge, that: "He pays Social Security, he uses the U.S. Postal Service, therefore, Mr. Cooper is a citizen of the UNITED STATES."[53] This change of a Citizen's status was evidently accomplished through the payment of Social Security Insurance taxes and the use of the U.S. Postal Service. These specific hidden contracts will be addressed separately below (see Sections 3.1.2 and 3.2.1. respectively).

Section 4 of the 14th Amendment contains a curious clause that indicates the underlying motives for creating a new class of citizen. It says, in part, " . . . the validity of the public debt of the United States . . . shall not be questioned." Given the court's actions in the Cooper case, cited above, it is apparent that there is intent to bind UNITED STATES citizens into a co-surety obligation with the UNITED STATES federal debt.

Because of this second class citizenship status, I have suffered repeated injuries from federal agents, of both the UNITED STATES and its franchisees the STATE OF TENNESSEE. My alleged citizenship of the UNITED

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[53] United States of America v. Austin Gary Cooper, 89-109-Cr-Hoeveler; DCSFl, (1990) and concurred with by) the 11th Circuit Court of Appeals, United States of America v. Austin Gary Cooper, 90-5597.

STATES has allowed public servants to threaten me with incarceration, extort moneys from me; conspire with other public servants against me; commit fraud against me; fraudulently breach contracts; persuade others to steal my property; violate my right to privacy (to be secure in my person and effects as guaranteed by the Constitution); and commit numerous other crimes against my person. In addition, my God-given alienable/substantive Rights have been denied me through conversion to licensed privileges [e.g., earn a livelihood in any lawful manner I choose, freely travel on the public rights-of-way, marry the individual of my choosing, and own real property such as land, homes and automobiles]. To date, I have suffered irreparable injury to my Rights to Life, Liberty and the Pursuit of Happiness in direct violation of the Constitution.

By way of this *Declaration*, I generally reject and expatriate from any alleged status of "citizen of the United States" (UNITED STATES federal citizen) for the following reasons:

1. *Undue Influence* – The (compulsory) public education system in the STATES is federally funded by the UNITED STATES and said regulations coerced my parents into enrolling me and, thereafter, requiring me to attend public schools. While attending these public schools, adult teachers, who were certified [licensed] by the government, indoctrinated me into serving the federal corporation.

I was trained to believe that I was a citizen of the UNITED STATES and subsequently I proclaimed a status of citizen of the

UNITED STATES; there being no other status/option presented to me. By this proclamation I unwittingly allowed myself to be disconnected from my birthright American Citizen/National (state Citizen) status subject only to the Common Law, being thereby manipulated and tricked into contracting and acquiescing to become a "subject" under the UNITED STATES Federal jurisdiction.[54]

2. *Reliance Upon False or Incomplete (undisclosed) Information* – The aforementioned group of adult professionals directed me toward a contractual status called citizen of the UNITED STATES and away from my natural state Citizen status. While I was an impressionable youth, adult teachers, who were certified [licensed] by the government, acted as federal agents and misrepresented these material facts to me (fraud). Because I was so misled and I relied upon and acted upon their instructions, I have suffered injuries to my (natural) Person, Property and Rights.

3. *Fraud (constructive and actual)* – Fraud has been committed against my natural Person by the UNITED STATES federal government through their agents [licensed teachers in federally funded schools] when they led me to believe that I was a citizen of the UNITED STATES and they failed to inform me of my natural born Right to state Citizenship. These same federal agents concealed the fact that there were actually two

[54] Amendment Fourteen, Sections 1 and 4 of the Constitution.

forms of citizenship available to me and that individuals have a choice as to which type of citizenship they wish to claim. These federal agents also failed to reveal to me the consequences of claiming UNITED STATES citizenship over state Citizenship.

4. *Duress* – There were times when I was required to claim to be a citizen of the UNITED STATES because there was no other option offered to me. In many instances, to deny UNITED STATES citizenship would associate and categorize me with those who were foreigners to the freely associated united States upon which soil I was born. Out of fear of losing my inherent unalienable Rights and being treated as a foreigner, I claimed UNITED STATES citizenship "without prejudice" to retain some semblance of my unalienable Rights. In other words, I did not want to have what rights I did have trespassed upon just because an uninformed public servant might not understand the superior standing of state Citizens over UNITED STATES citizens.

3.1.2 Social Security Insurance (SSI)

A federal court has ruled that paying into the Social Security "Insurance" system through the use of a Social Security Number (SSN) **XXX-XX-4114**[55] has placed me in a

[55] When referring to the SSN, said reference include, but are not limited to, all other type numbers which are known as TIN, EIN, etc. Any co surety which is created by the use of any other number which I have obtain and which one is compelled to obtain in order to live and do

(Continued on following page)

hidden contract with the UNITED STATES. This contract is said to obligate me to the federal debt and allegedly requires me to pay federal income taxes.

Although few are aware of it, the Social Security is, in fact, a voluntary insurance program created by the Federal government. This is evidenced by the following facts:

1. The United States Supreme Court has ruled that Congress has limited authority to legislate compulsory subjugation to social programs within the freely associated (50) united States.

> *"The catalogue of means and actions which might be imposed upon an employer in any business, tending to the satisfaction and comfort of his employees, seems endless. Provision for free medical attendance, nursing, clothing, food, housing, and education of children, and a hundred other matters might with equal propriety be proposed as tending to relieve the employee of mental strain and worry. Can it fairly be said that the power of Congress to regulate interstate commerce extends to the prescription of any or all of these things? Is it not apparent that they are really, and essentially related solely to the social welfare of the worker, and therefore remote from any regulation of commerce as such? We think the answer is plain. These*

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business as a partnership or a sole proprietor (earn a living in a lawful profession) in this society is also vitiated and void for fraud.

matters obviously lie outside the orbit of congressional power."[56]

2. A SSN Application connotes exclusivity of membership or participation. No government official yet has dared to explain how an application can be anything other than a voluntary act. It is apparent that if the registration into, and the subsequent coverage and subjugation under, the Social Security Act were mandatory, the law would provide for the assignment of numbers to all.[57]

3. Many people are led to believe that their "employment" means their employer must withhold Social Security deductions from their "wages" because of their status as an "employee." The act defines "employee" as "you must be an employee for your work to be covered as employment for social security purposes."[58] "Employment" is defined as "any service *covered* by social security performed by an employee . . . "[59] The "term 'wages' means remuneration paid to *you* as an *employee* for *employment* unless specifically excluded."

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[56] Railroad Retirement Board v. Alton Railroad Co., 295 U.S. 330, 55 S. Ct. 758 (1935).

[57] New parents are routinely told by hospital staff that they must fill out an application for a Birth Certificate and an application for a SSN before they leave the hospital with their newborn. Hospitals make every effort to get these applications because the hospital receives up to $4,000 when they deliver a birth certificate and SSN to the STATE for a newborn.

[58] 20 CFR § 404.1005.

[59] 20 CFR § 404.1003.

Another section of the code defines "you" and "your" as those who are "under social security."[60] It is evident, from this series of definitions, that only those "under social security" are covered by the system and subject to its regulations. We see from the point above that one becomes covered by the system when one applies. Therefore the system is voluntary for state Citizens.

The fact that I applied for a SSN and paid into the Social Security system cannot be used against me as evidence of my entry into a hidden contract for UNITED STATES citizenship for the following reasons:

1. *Undue Influence* – While I was an impressionable youth, my parents were informed by school officials (acting as government agents) that I could not get a job unless I agreed to the contract and obtained a SSN. Later, my parents were told they could not use me as a tax deduction on their federal income tax unless I had a SSN. My parents, while deceived about the true nature of SSI and the Federal Income Tax, exerted undue influence upon me during my impressionable years, to apply for and receive a SSN and to pay into the Social Security system.

2. *Fraud (constructive and actual)* – UNITED STATES Federal and STATE agents did not inform me that in order to protect my natural-born unalienable Rights, I would have to execute the Social Security contract "without prejudice" or "under protest" *(Uniform Commercial Code § 1-207; D.C. Code § 28:1-207; Tenn C § 47-1-207* and its comparable statues adopted into codes of each

[60] 20 CFR § 404.1002.

of the 50 STATES). I was taught to believe that Social Security withholdings were "required by law." I was NOT taught that applying for a SSN and paying into the Social Security system (a consideration for which I was paying a consideration) would bind me into a co-surety obligation with the federal corporation [debtor] and the Federal Reserve (FED) [creditor]. Government agents did not make information on these subjects available to me and this information cannot be found in public schools and public libraries. The Social Security system also was misrepresented to me as "insurance" (SSI and Federal Insurance Contributions Act [FICA]) rather than as "welfare" which was confirmed as such by the supreme tribunal/court in 1960.[61]

3. *Coercion* – I was coerced into the SSI contract by and through the deception of federal agents [employers who wanted to withhold wages to pay Social Security taxes], who (relying on opinions from their attorneys or because of fear of the IRS) informed me that I could not have a job (earn a living) without first agreeing to the SSN contract.

4. *Deception* – I am coerced into using the SSN (**XXX-XX-4114**) because I have been told repeatedly by employers, their attorneys and the IRS, that to earn a livelihood and to function in this society, I am required to have a SSN.

ACTUAL NOTICE is hereby served that any use I might make of the SSN is done "without prejudice" and

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[61] Helvering v. Davis, 301 U.S. 619, 81 L.Ed. 1307, 57 S.Ct. 904; Flemming v. Nestor, 363 U.S. 603, 4 L.Ed.2d 1435, 80 S.Ct. 1367 (1960).

said use does not grant the UNITED STATES or STATE governments the authority to assume that funds can be taken from me in order to bind me to a contract of citizen of the UNITED STATES. Thus, my unalienable Rights are not prejudiced.

The UNITED STATES government has the option to either return the Social Security payments which were fraudulently confiscated from my compensation in prior years (with interest), or said money shall be paid to me in monthly payments when I reach 62 or 65 as per the initial SSI/FICA (insurance) agreement as annuity payments. Failure to refund said moneys (or to request additional time to make said refund) within the time frame and in accordance with the conditions for responding to this Declaration, constitutes your agreement to pay me the SSI/FICA consideration, upon my retirement, in the form of annuity payments in accordance with the normal Social Security Administration's Guidelines for payment.

3.2 Executive Department Considerations

Relative to the UNITED STATES federal government and more specifically within the Executive Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to this *Declaration*.

3.2.1 Use of U.S. Postal Service (USPS)

The Constitution, under Article I, section 8, clauses 1 and 7, states: "The Congress shall have the Power . . . to Establish Post Offices and post Roads." Around July 1971, the United States Post Offices (USPO) were converted to

the USPS, a UNITED STATES person [corporation]. I have not been able to find any published information that declares that using the USPOs, now the USPS constitutes a "voluntary acceptance" of a co-surety obligation of the federal corporation. My understanding always has been that I was using the Post Offices provided for in the Constitution, since the Post Office buildings that I have entered have all displayed the words: "United States Post Office" somewhere on their exterior. Unless I receive hardcopy evidence to the contrary and I am offered an alternative service consistent with the Constitution within the time frame and in accordance with the conditions for responding to this *Declaration*, I will use the services of the USPS (a.k.a., United States Post Office) as a legitimate constitutional entity, lawfully serving the needs of Citizens in the Republic, as well as citizens of the UNITED STATES without abridging my unalienable Rights in any way.

The fact that I have used and still use the USPS cannot be used against me as evidence of my entry into a hidden contract for UNITED STATES citizenship for the following reasons:

1. *Undue Influence and Lack of Full Disclosure* – While I was an impressionable youth, I attended public [government sponsored] schools and government agents [licensed teachers] taught me how to properly write and address letters (to fulfill our "civic duty") by making our opinions known to elected representatives, editors of publications, etc. Instructions from said agents stipulated a proper format which included the UNITED STATES Federal Postal Districts with 2 letter [corporate sub-entity] STATE Codes [i.e., OR, CA, etc.] and UNITED STATES Federal Zip

Codes. At no time during this process was I ever told that use of the USPS with the 2 letter federal STATE Codes and Zip Codes, without reserving my natural unalienable Rights, would bind me to a co-surety obligation of the federal corporate debt. Such failure represents lack of full disclosure and undue influence on my young and impressionable mind.

2. *Fraud (constructive and actual)* – The federal government in good faith has never published the fact that one's use of the USPS would bind a natural person into a co-surety obligation of the federal corporate debt. Further, the UNITED STATES federal government in good faith has not published the fact that a specific reservation of one's Rights [writing the language "without prejudice," "under protest," or the like[62] above the postal address] could be used to reserve one's rights. Without said announcement this is evidence of either constructive or actual fraud on the part of federal government agents.

3. *Necessity* – In our modern and complex society, I often find myself conducting my private affairs with people in distant locations. It is unreasonable to expect that all such interactions could be done in person without causing me unbearable economic hardship. Therefore much of this distant interaction is done using the mail. After the Civil War, Congress passed the Private Express statutes which made it illegal for any company to compete with the USPO. These statutes are still in effect today.[63] Therefore, the only legal method

[62] see private law – Uniform Commercial Code § 1-207; D.C. Code § 28:1-207; AR C § 4-1-207.

[63] See 38 USC 38 §§ 601-608 and USC 18 §§ 1693-1699.

of sending "letters" is through the USPO. In recent times, other means of delivery for "packages" have been permitted through private carriers and courier services. However, these means of delivery are not within the economic means of the average individual. Therefore, the USPO [a.k.a., the U.S. Postal Service] remains the only legal and affordable alternative and therefore I must use this service out of necessity.

4. *Constitutionally guaranteed service* – The Constitution makes provisions for the United States "Post Office and post Roads[64]". Therefore, any further use I might make of this service is done "without prejudice" as a constitutionally-guaranteed legitimate function of the federal government. Implied in this service is the right to use said service without abridging my unalienable Rights in any way.

3.2.2 Bank Accounts

The use of a bank account is within the normal mode of conducting an individual's private financial affairs in our society. However, it has recently come to my attention that having a bank account with a federally insured [FDIC or FSLIC] institution could be used to bind me in a hidden contract with the federal government. It is a long held doctrine that National Banks are an instrumentality of the federal government.

"National banks are instrumentalities of the Federal Government, created for a public purpose,

[64] Art. I, Section 8, Clauses 7, Constitution for the United States.

and as such necessarily [are] subject to the paramount authority of the United States."[65]

It has been further ruled that the Federal Reserve Bank is an instrumentality but ONLY for the purposes of STATE taxation[66]

The statutes recognize – and *the instrumentality* rule states – that the "corporate existence will be disregarded where a corporation (subsidiary) is so organized and controlled and its affairs so conducted as to make it only an adjunct and instrumentality of another corporation (parent corporation) . . . "[67] Under the *instrumentality rule*, it can be argued that the local bank as a Person [corporation] and as a legal entity fades into insignificance as if it were transparent, and the government then appears as the real entity with which one enters into the commercial agreements. However, since the Banks are regulated by the FED, and the FED itself is a private entity which can sue and be sued, it is not considered *an instrumentality*.[68]

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[65] Davis v. Elmira Savings, 161 U.S. 275, at 283 (1896).

[66] Federal Reserve Banks are deemed to be federal instrumentalities for purposes of immunity from state taxation. Federal Reserve Bank of Boston v. Commissioner of Corporations & Taxation, 499 F.2d 60 (1st Cir. 1974), after remand, 520 F.2d 60 (1st Cir. 1975); Federal Reserve Bank of Minneapolis v. Register of Deeds, 288 Mich. 120, 284 N.W. 667 (1989).

[67] Black's Law Dictionary, 5th Edition.

[68] The Federal Reserve is a private bank (corporation) which was awarded central bank monopoly status and taxation immunity by Congress and yet it has never been audited since it was created. In fact, the bank is largely controlled by foreign interests. R. E. McMaster publisher of the newsletter The Reaper has discovered the following groups own the controlling interest in the Federal Reserve Bank: Rothschild Banks of London and Berlin, Lazard Brothers Bank of Paris, Israel Moses Sieff Banks of Italy, Warburg Bank of Hamburg and Amsterdam, Lehman Brothers Bank of New York, Kuhn Loeb Bank of

(Continued on following page)

Since the banks have not disclosed to me any application of the *instrumentality rule* to all banks, no contracts entered into with any Federal Reserve Bank and/or its member banks (including their affiliates such as stock brokerage houses, credit unions, insurance companies, and pension funds) can bind me into a co-surety obligation of the federal corporate debt.

Although having a SSN is not mandatory, I have had great difficulty opening a bank account without a SSN; a service which should be available to American Citizens/Nationals (state Citizens) without such requirement. According to *U.S.C. Title 42 § 405(c)(2)(B)(II),* the only individuals required to have a SSN are aliens residing in the UNITED STATES. A Citizen may "make application" for an SSN but it is not required by statute. Furthermore, the Privacy Act of 1974 *(5 USC § 552a)* only requires that the SSN be provided for certain purposes. Any other use is contrary to the law, including but not limited to, banks, creditors, hospitals, doctors, credit bureaus or any other private firm that wants to keep track of us. In spite of this, banks routinely demand a SSN before they will provide service (open a checking or savings account). This is a clear violation of the federal statutes. The collusion between the BAR Association (attorneys), the FED, and the UNITED STATES government is so complete, that bank attorneys routinely instruct their clients to disregard the UNITED STATES Federal Regulations and UNITED STATES Code and deny services to potential customers who do not have or refuse to include a SSN with their application.

New York, Chase Manhattan Bank of New York and Goldman Sachs Bank of New York.

5 U.S.C. § 408. – Penalties

(a) In general

Whoever –

(8) discloses, uses, or compels the disclosure of the social security number of any person in violation of the laws of the United States; shall be guilty of a felony and upon conviction thereof shall be fined under title 18 or imprisoned for not more than five years, or both.(Emphasis added)

This blatant disregard for UNITED STATES statutes makes it necessary for the state Citizen to initiate expensive litigation (which is often treated as frivolous) and to hire yet another attorney to file an action against the bank at the Citizen's expense – just to open a simple bank account!

The fact that I have used banks within the Federal Reserve Banks System cannot be used against me as evidence of my entry into a hidden contract to be a Joint Obligation Debtor for UNITED STATES debts for the following reasons:

1. *Undue influence* – While I was an impressionable youth, my parents, in an attempt to train me to be a responsible Citizen, encouraged me to open a bank account and save my money. Not being informed as to the possible consequences of opening said bank account, my parents encouraged me to open an account.

2. *Fraud* – Neither the federal government nor its agents [the FED or their member banks] in good faith have ever published for the general public the fact that use of the banking system binds any natural person into a co-surety obligation of the

federal corporate debt. Their willful failure to declare this information publicly has served to entrap me into a co-surety relationship that I would have otherwise avoided had there been full disclosure and these facts been made known to me.

3. *Necessity* – The only practical way to engage in commerce is to have and use a bank account. Therefore, my use of bank accounts is of necessity.

4. *Duress* – Avoiding criminal prosecution/ assault: – The UNITED STATES within the last few years has made it a crime (for the first time in the history of the world) to physically have large sums money. Further, it is not wise to carry a large amount of cash around on one's person. Were I to attempt to operate on a cash-only basis, at times I would feel a genuine concern for my safety; having so much cash in my home or on my person.

Therefore, out of fear of being assaulted and robbed, I have relied on bank accounts to engage in commerce in our society. Therefore, the use of bank accounts is necessary and compulsory to avoid the threat of prosecution and of compromising my personal safety and the safety of my loved ones.

This Formal Notice of Protest and Notice of Defect formally places the UNITED STATES federal and STATE governments on ACTUAL NOTICE that whatever use I may make of bank accounts or any financial institution's services is done "without prejudice." Without specific objection, this ACTUAL NOTICE removes any valid claim the government may make to my being obligated to the UNITED STATES Federal or STATE governments as a result of any hidden contracts associated with the use of bank accounts.

3.2.3 Use of The Federal Reserve Note (FRN)

A note is "an instrument containing an express and absolute promise of signer (i.e., maker) to pay a specified person, order, or bearer, a definite sum of money at a specified time."[69] In layman's terms, a note is a loan. According to UNITED STATES federal statutes, "Federal reserve notes ... shall be obligations of the United States."[70] This means that FRNs represent a debt obligation of the federal government to the Federal Reserve Bank. The federal government, through hidden contracts, has placed me in a position of Joint Obligation Debtor due to my alleged "voluntary" re-circulation of FRNs. Furthermore, the federal government believes the amount of my payment toward that debt should be measured by my net [alleged] taxable income. The federal government also views my other personal assets as collateral against the federal debt. Part of the entrapment by the government into this position of Joint Obligation Debtor supposedly occurs through my "voluntary" re-circulation of FRNs.

FRNs are legal (but not lawful[71]) tender in the UNITED STATES. "United States coins and currency including FRNs, and circulating notes of Federal Reserve

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[69] Black's Law Dictionary, 5th Edition.

[70] 12 USC 12 § 411.

[71] "The principal distinction between the terms 'lawful' and 'legal' is that the former contemplates the substance of law, the latter the form of the law. To say of an act that it is 'lawful' implies that it is done or performed in accordance with the forms and usages of law, or in a technical manner ... Further, the word 'lawful' more clearly implies an ethical content than does 'legal.' The latter goes no further than to denote compliance, with positive, technical, or formal rules; while the former usually imports a more substance or ethical permissibility." Black's Law Dictionary, 5th Edition.

banks and national banks) are legal tender for all debts, public charges, taxes, and dues. Foreign gold or silver coins are not legal tender for debts."[72] This means that FRNs are the only legal form of exchange (money) in the 50 States and the UNITED STATES.[73]

Under the Common Mercantile Law of Commercial Contract Law applicable to Negotiable Instruments, it always has been prima facie evidence that the mere issuance of the negotiable instrument (FRN) itself constitutes the evidence of the receipt and enjoyment of consideration to the recipient. For a valid [hidden or otherwise] contract to exist, consideration must exist.

As one who "voluntarily" re-circulates FRNs, I likewise could be considered by some to have received consideration.

Due to lack of disclosure on the part of the FED and the UNITED STATES government, I was unaware that I was able to object to my presumption of involvement in the federal debt by the use of FRNs. This has placed me in a position of presumed involvement through the ratification doctrine. When one person, as agent, does an act on behalf of another person, but without complete authority, the person for whom such act is done may afterwards adopt the act as if it is done in his behalf, thereby giving the act the same legal effect as if it had been originally fully authorized. This subsequent retroactive consent, the effect of which relates back to the time of the original act and places the Principal in the same position as if he had

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[72] 31 USC 31 § 5103.

[73] "Federal Reserve notes are the only kind of paper money issued today." Hats the Federal Reserve Wears, pg. 8.

originally authorized the act, is called RATIFICATION. When a person finds that an act has been done in his name or on his behalf, that person must either ratify it, or in the alternative, disaffirm it.

Silence also constitutes approval of the act.[74] The *Ratification doctrine*, as codified in the private law known as the Uniform Commercial Code (UCC),[75] holds that, under normal circumstances, one cannot withdraw their consent and make it retroactive. However, since this alleged Ratification was achieved through lack of full disclosure (fraud), any said Ratification is herein vitiated *ab initio*[76] for reasons specified below.

Further, the fact that I have re-circulated FRNs cannot be used against me as evidence of my entry into a hidden contract to be a Joint Obligation Debtor for UNITED STATES debts for the following reasons:

> 1. *Undue influence* – While I was an impressionable youth, I attended public [government sponsored] schools and [licensed teachers] taught me how to count money and make change, etc. This instruction was applied to the usage of UNITED STATES legal tender, which now includes FRNs. During this process I was never told that FRNs were unlawful and that using FRNs (currency printed by the U.S. Treasury) would bind me into a co-surety obligation of the federal corporate

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[74] Floyd Mechem, "The Effect of Ratification As Between The Principle And The Other Party", in 4 Michigan Law Review 269, at 269 (1905).

[75] See UCC §§ 2-202 and 2-610.

[76] "From the beginning; from the first act; from the inception." Black's Law Dictionary, 5th Edition.

debt. Such failure represents undue influence on my young and impressionable mind.

2. *Failure of Consideration* – This FORMAL and ACTUAL NOTICE of Protest and ACTUAL NOTICE of Defect places the UNITED STATES federal government on notice that any supposed benefits are void *ab initio* for the reason that there is no other currency provided to the Citizen in America today. This notice has removed any valid claim the government may make that the use of FRNs is a consideration.

3. *Fraud* – Neither the federal government nor its agents [the FED or their member banks] in good faith have ever published the fact that any use of the FRN binds any natural person into a co-surety obligation of the federal corporate debt. Their willful failure to declare the truth has served to entrap me into a co-surety relationship that otherwise I could have avoided had there been full disclosure and the truth been made known to me.

4. *Necessity* – This is FORMAL AND ACTUAL NOTICE of Protest and ACTUAL NOTICE OF DEFECT that the UNITED STATES corporate government has made it impossible to "pay" my debts with gold and silver coin as required by the Constitution for the united States of America but rather I am only able to "discharge" my debts with FRNs [more debt]. Since I am forced to use the FRN as the only way to survive in American society today and since the federal government uses its police powers to seal a monopoly on currency instruments, which is an unfair [unnecessary] restraint of trade, I have no choice but to

use FRNs (or equivalent bank accounts) as the only currency instrument [money[77]] available to me in America. No involuntary adhesion attachment of Title 26 civil liability that the UNITED STATES government considers I have accepted is valid when I am forced, out of practical necessity, to purchase every necessity of life (food, clothing, shelter, etc.) with the only legal means of exchange [money] in the UNITED STATES being FRNs.

5. *Duress* – Avoiding criminal prosecution – Between 1862 and 1865, Congress passed three laws relating to legal tender. The first two laws were penal statues: the Legal Tender Laws in 1862, and the National Banking Act in 1864. The third statute passed in 1865 imposed a 10% tax on state bank note issues. The combined effect of those Civil War era statutes collectively was to monopolize the entire American currency supply under Federal jurisdiction. By these statutes, both privately circulated coins and paper notes were outlawed, and all remaining private mints were later purchased by the government, or otherwise permanently put out of business. The Federal Reserve Act was passed by Congress on December 22, 1913 and signed into law by President Woodrow Wilson the next day. The act was sold to Congress and the American people as a measure designed to break the power of the "money trust" (a term used to describe the large domestic and international banking houses and ultra wealthy that dominated the financial scene

[77] "Federal Reserve notes are the only kind of paper money issued today." Hats the Federal Reserve Wears, Federal Reserve Bank of Philadelphia.

at the time). In fact, the Federal Reserve Act was drafted in a secret meeting on Jekyll Island by a group of seven men that represented the "money trust."[78] Most people believe the FED is a branch of the federal government when it is actually a private bank which now dictates the monetary policy of the UNITED STATES. The FED never has been audited and there is evidence that interests outside the U.S. control it (see Section 3.2.2). The Federal Reserve Board has been granted authority to create administrative regulations for the member banks. The Board of Governors of the Federal Reserve Board has issued regulations prohibiting the public circulation of private bank notes by member banks. Based upon these statutes and regulations, everyone in the united States of America must use currency provided by these UNITED STATES Treasury (now including only FRNs) or face criminal prosecution and possible penalties. Therefore, the use of FRNs is compulsory under the threat of prosecution and incarceration.

Therefore, you are hereby given ACTUAL NOTICE that any use I may make of FRNs to survive in our society is done "without prejudice," against my will and over my objection whether I inform any other parties or not.

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[78] For further study on how the Federal Reserve Act was passed see The Secrets of the Federal Reserve by Ustace Mullins and G. Edward Griffin, The Creature from Jekyll Island : A Second Look at the Federal Reserve, Westlake Village, CA, American-Media, 1998.

My *state of mind* is not one of "voluntary" beneficial acceptance and enjoyment of FRNs, but one of forced *de minimis*[79] coercion.

3.2.4 Deception and Fraud of the Internal Revenue Code (IRC)

I have recently become aware of some startling information regarding *U.S.C. Title 26*, otherwise known as the Internal Revenue Code (IRC). I include this section so as to enumerate but a few examples of the clever trickery, fraud and deception with which Congress and the Internal Revenue Service (IRS) for decades have perpetrated fraud and one of the biggest hoaxes against unwary American Citizens.

The enforcement and collection of the federal income tax is clearly one of the biggest hoaxes in the history of the planet – and without doubt the most lucrative. The IRC is exactly that – "Code!" It is written in code so complicated and vague that the average person cannot understand it, or ever hope to discover and understand that the IRC does not apply to the average American Citizen/National as an inhabitant of one of the freely associated (Republic) united States. After reading the definitions listed below, it should be clear that the IRC does not apply to me, pursuant to the fact that none of the following definitions apply to me.

The precise language and syntax of the IRC is technically written and lawfully intended by Congress to extract income taxes only from FEDERAL employees. To

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[79] "A writ which lay where a person was threatened with personal violence, or the destruction of his property, to compel the offender to keep the peace." Black's Law Dictionary, 5th Edition.

illustrate, note the ONLY definition in the IRC for "EMPLOYEE", with respect to COLLECTION OF INCOME TAX AT SOURCE ON WAGES withholding:

> *Section 3401(c)*:
>
> *"EMPLOYEE – For purposes of this chapter, the term 'employee" includes an officer, employee, or elected official of the United States, a State, or any political subdivision thereof, or the District of Columbia, or any agency or instrumentality of any one or more of the foregoing. The term 'employee' also includes an officer of a corporation."*[80]

To be an "EMPLOYEE," one has to WORK FOR THE GOVERNMENT, or be an officer of a corporation!

> The IRC states clearly what a corporation is!
>
> *Section 7701(a)(3)*:
>
> *"CORPORATION – The term 'corporation' includes [only] associations, joint-stock companies, and insurance companies." (Emphasis clarification of 'includes' added below)*

As can be seen from the definitions above, even if I owned a corporation, I do not have a tax liability under the IRC unless it is one of the three types of organizations listed in Section 7701(a)(3) of the IRC. Further study of the Tax Code will reveal that the "corporation" must be formed in, doing business in, or receiving "income" from – the UNITED STATES (District of Columbia or the Territories excluding the freely associated (50) united States) otherwise it is considered to be a "foreign corporation."

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[80] See IRC 3121(d) for FICA.

Most everyone thinks of a Trade or Business as someone who earns a living (i.e., a mechanic, carpenter [trade], doctor, or other business profession, etc.). The Congress and the IRS again use trickery to deceive the public into thinking that individuals have a tax liability with the Federal government if they work in a trade or business profession. However, when one looks at the definition of a "trade or business", one can clearly see how the deception practices of the Congress and the IRS, in the form of "word art", is a willful attempt to mislead the general public (fraud):

> *Section 7701(a)*:
>
> *"TRADE OR BUSINESS – The term 'trade or business' includes [only] the performance of the functions of a public office." [Emphasis clarification of 'includes' added below]*

This raises the issue of the word "Include" and how it is used in law. In over 80 court cases, the word "Include" has been ruled to have the meaning of a *limiting* word. For example even if I were to have three cars, if I were to tell you that I will sell you my cars, including the red car and the green car, you would not be entitled to buy my white car. To further illustrate this understanding by legal professionals, when an attorney wants to expand a list beyond the limits of the word "include," she will use the phrase "including, but not limited to . . . " For a sentence to read correctly in terms of the legal meaning of the word "include," one could actually put the word "[ONLY]" after the word "include" (or includes, including, etc.) and the sentence would convey the correct legal meaning.

Some additional examples of this word trickery used by the IRS further can be seen in the following definitions

which are directly quoted from USC 26, the Federal Income Tax Code.

Section 7701(a)(9):

"UNITED STATES – The term 'United States' when used in a geographic sense includes only the States and the District of Columbia."

This sounds like what most Americans have always believed – Atlantic to Pacific – coast to coast all the freely associated (50) united States. The very next paragraph in the IRC states:

Section 7701(a)(10):

"STATE – The term 'State' shall be construed to include [only] the District of Columbia, where such construction is necessary to carry out provisions of this title."(Emphasis clarification of 'include' added above)

Using the structure of the two definitions, one correctly can say that the jurisdiction of the IRS is limited to the District of Columbia – and – the District of Columbia! From this structure, one can see that this has been nothing less than a deliberate attempt by the IRS and Congress to mislead the Citizens of the freely associated united States into thinking they are required to pay Federal Income Taxes (fraud).

To further confirm that "State(s)" (as quoted above) means only Washington, D.C. and its territories, find an old copy of the IRS code written when Alaska and Hawaii were still Territories and not "States." Alaska and Hawaii show up in the list under the definition for "State". When they later became "States" like all the other States of the

union, they were subsequently removed from the IRC definition completely.

There is yet further evidence that the definition of "State" does NOT include the 50 States of the "UNION." The IRC has a unique definition of "State," (as quoted above) dealing with that section of the IRC which applies to Procedure and Administration. The following definition applies to those places from which one can legally file documents.

> *Section 6103(b)(5)*
>
> *"(B) DEFINITIONS – For purposes of this section [only]-"(Emphasis and clarification added)*

. . . So, it is clear that the definitions ARE ONLY FOR THIS SECTION of the IRC . . .

> *"(5) STATE – The term 'State' means – any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and . . . "*

With regards to wages and compensation, there is no STATE statute or UNITED STATES federal statute (adopted by reference into STATE statutes) which clearly states that the Citizen's salary, wages or compensation for personal services has been declared by law to be subject to any [corporate sub-entity] STATE personal income tax. There is, however, an act of Congress explicitly naming public *employees* as subjects of the federal income tax. Congress consented to the taxation of the compensation of officers and employees of the federal, state and local government pursuant to the Public Salary Tax Act of 1939,

53 Stat. 574, April 12, 1939, at Title I, Section 1 and 4, as follows:

> *"The United States hereby consents to the taxation of compensation, received after December 31, 1938, for personal services as an officer or employee of the United States, any Territory or possession or political subdivision thereof, the District of Columbia, or any agency or instrumentality of any one or more of the foregoing, by any duly constituted taxing authority having jurisdiction to tax such compensation, if such taxation does not discriminate against such officer or employee because of the source of such compensation."*

Section 1 of the Public Salary Tax Act of 1939, amended §22 of the 1939 IRC, as follows:

> *"Section 22(a) of the Internal Revenue Code (relating to the definition of 'gross income') is amended by inserting after the words 'compensation for personal service' the following: (including [only] personal service as an officer or employee of a State, or any political subdivision thereof, or any agency or instrumentality of one or more of the foregoing)".*

These two sections of *the Public Salary and Tax Act of 1939* are currently merged and are found at Section 3401(c) of the current IRS Code – within which there is *no mention whatsoever* of private sector employees as being subject to tax. Furthermore, I have been unable to find any similar acts of Congress demonstrating that Congress intended to tax *everyone's* salary or income – in addition to public employees. In fact, Congress removed all mention of "salary, wages and compensation for personal service" from the 1954 IRC's §61 definition of gross income subject

to UNITED STATES federal income tax, and by statutory reference, subject to any [federal corporate sub-entity] STATE income tax.

One can logically conclude from this, on the basis of common-sense, that when explicit items or sources of revenue – named and printed within the statutory text of the federal definition of "gross income" subject to tax – are *later removed from the "law" (statutes) by act of Congress* – that the legislative intent of Congress was clearly to communicate that *the removed items are no longer subject to mandatory tax.*

> *"Where a statute, with one reference to one subject contains a given provision, the omission of such provision from a similar statute concerning a related subject is significant to show that a different intention existed." Estate of Garthwait (1933) 131 Cal.App. 2d., pp.321, 326, 21, 465. (23 CalJur 778, Sec. 154).*

In other words, acts of Congress have clearly established that a Citizen's salary, wages, and personal compensation are no longer *legislatively included* within the federal definition of "gross income" allegedly subject to tax.

Further, private companies [corporations] routinely withhold moneys from their employees' compensation and give said confiscated moneys to the government even though the private companies are not "Withholding Agents" as defined by statute and their employees are not foreign entities[81]

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[81] IRC § 7701(a)(16) states: The term "withholding agent" means any person required to deduct and withhold any tax under the provisions of sections 1441, 1442, 1443, or 1461. These sections apply to money received on behalf of, or paid to, non-resident aliens, foreign

(Continued on following page)

I am shocked to discover that the UNITED STATES government, through its agents (public servants) and corporations, has perpetrated this magnitude of fraud and malfeasance against UNITED STATES citizens and American Citizens/Nationals (state Citizens) for decades. It is shameful that the *de facto* UNITED STATES government officials (legislators, presidents and judges – mostly Attorneys) would stoop to such fraud, deceit and treason and perpetuate these fraudulent acts against said citizens/ Citizens.

You are hereby put on Notice that I or any company that I own will NOT act as a collection agent for the IRS or the STATE with regards to any kind of particular tax without just compensation and a written contract which I have entered into voluntarily and with full disclosure.

If there are IRC definitions of "Taxpayer," "Employee," "Employer," "Trade or Business," and "Withholding Agent" which I have overlooked and which apply directly to American Citizens/Nationals (state Citizens), please provide me with written evidence of any said contradictory definition(s) within the time frame and in accordance with the conditions for responding to this *Declaration*. Actual Notice is hereby given that I receive any or all wages, commissions, salaries, etc. ***"without prejudice" ab initio,***[82] and that I am an unencumbered American Citizen/ National (state Citizen) who is exempt from levy and not

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partnerships, foreign corporations, and other foreign entities only, not to money received by citizens on their own behalf. Neither I nor any company that I own and/or operate is a "withholding agent" of the IRS or any STATE.

[82] Uniform Commercial Code § 1-207; D.C. Code § 28:1-207; Tenn C § 47-1-207.

subject to UNITED STATES or [federal corporate sub-entity] STATE income taxes.

3.2.5 Internal Revenue Service Monetary Awards to Government Agents

As you well know, UNITED STATES officers and the IRS [the primary collection agency of the FED] and the FED have conspired to extort literally trillions of dollars from unsuspecting Citizens. Cited below is evidence of criminal conspiracy whereby the President of the UNITED STATES, Judges, Prosecutors, and other government agents, brokers and intermediaries receive rewards for their fraud and deception upon the American People. Thus, I have unearthed the vested interest the federal judiciary (as well as the Executive) has to support the IRS with prosecutions and convictions (treason, deception, fraud, and collusion).

The Internal Revenue Manual, *Handbook of Delegation Orders*, January 17, 1983, pp. 1229-91, outlines the IRS' system of monetary awards [for income tax convictions]: " . . . of up to and including $5000.00, for any one individual employee or group of employees, in his/her immediate office, including field employees, engaged in National Office projects; and contributions of employees of other Government agencies and armed forces members . . . " *with the approval of* the Deputy Commissioner; " . . . of $5,001.00 to $10,000.00, for any one individual or group . . . " with the approval of the Deputy Commissioner; " . . . of $10,001.00 to $25,000.00 for any one individual or group . . . " with the Commissioner's concurrence; and " . . . an additional monetary reward of $10,000.00 (total $35,000.00) to the *President*

through Treasury and OPM" with the Commissioner's concurrence.

It is inexcusable that the IRS would offer a bounty to UNITED STATES chief officers, agents and employees as extra motivation for charging Citizens with tax crimes – based on statutes which do not even apply to private sector Citizens in the first place. Cash rewards are bad enough, but this illustrates the nefarious depths to which government will sink when *immunity from prosecution* for overzealous, predatory and unlawful tax exaction practices is also included in the deal. For this reason, many IRS managers and employees have declared open season on American Citizens incorrectly dubbed as "taxpayers." The Congressional hearings in 1998 revealed that IRS employees – in an out-of-control crusade for more and more revenue – routinely overstepped their authority, ignored the law, and trespassed upon the rights and protections of countless Americans – some of which committed suicide as a result. Senator William Roth even wrote a book aptly entitled *The Power to Destroy*, exposing numerous actual examples of IRS crimes perpetrated against the people of America (with the tacit consent of Congress). Even after these exposés, the UNITED STATES Department of Justice virtually did nothing to punish IRS employees for their heinous crimes against said Americans. These revenue-hungry IRS employees and agents have gained unfettered access to the wealth and productivity of the Citizens it purports to serve. In fact, it is difficult (if not impossible) to punish said officers and high ranking employees who agree to and participate in these injustices.

3.2.6 Passports

As an American Citizen/National (state Citizen), I have the right to travel anywhere without restriction. Since it was the people who created the Republic states (through their state representatives and identified in the Constitution as "We The People") and the states created the United States of America (*de jure* Federal Government), according to the Maxim of Law, *"The created cannot be greater than its creator,"* the UNITED STATES government cannot grant rights to any person or entity, which are greater than that of its creator (the people or state Citizens). If the UNITED STATES federal government can issue a document for a UNITED STATES citizen to travel, it is logical to conclude that the people (state Citizens) must have had that natural right in order to confer said right on the republic states and the united States of America governments respectively.

UNITED STATES citizen Passports are routinely issued to American Citizens/Nationals (state Citizens) when said American Citizen/National (state Citizen) should be able to either get a passport which identifies them as a "United States of America" Citizen/National or as a "Tennessee state" Citizen.

American Citizens/Nationals (state Citizens) traveled to foreign countries prior to the passing of the 14th Amendment to the Constitution and it is only logical to conclude that they had passports (travel documents), when they traveled abroad, by which they could be identified as a state Citizen in one of the freely associated united States.

I am unaware of any publication that shows which passports are available to American Citizens (having the

same status as those born in one of the freely associated united States prior to the passing of the 14th Amendment to the Constitution) that will correctly identify said state Citizen as a non-14th Amendment citizen. Until the UNITED STATES government discloses to me how I can get a proper passport which identifies my status correctly as a Tenneessee state Citizen, I will, out of necessity, use the UNITED STATES passport and sign the application and the passport itself "without prejudice" to reserve my unalienable rights.

3.3 Judiciary Department Considerations

Relative to the UNITED STATES federal government, and more specifically within the Judiciary Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this Declaration.

3.3.1 "Officers of the Court"

I have discovered that Attorneys at Law are considered by statute and the judiciary to be "officers of the court." Private practice lawyers, and most judges and prosecutors[83] are Attorneys at Law. Federal Prosecutors willfully and knowingly misrepresent themselves as officers of the executive branch when in fact they are operating as judicial officers. In like manner, defense attorneys (whether public defenders or private practice attorneys) pose as representing the interests of their clients when in

[83] Attorneys General (federal and state), U.S. Attorneys, Prosecuting Attorneys, District Attorneys, etc.

fact their loyalty is firstly to the court, secondly to the statutes, thirdly to the BAR and lastly to the client. **Thus, any time an Attorney represents a person, whether natural or otherwise, the Attorney is guilty of conspiracy to commit fraud and the actual crimes of collusion and fraud.** If Attorneys are *officers of the court* then they are, in fact, government agents. As such, Attorneys at Law should be paid through the proper tax system (excise and import and export taxes).

3.3.2 Tribunals/Admiralty Courts

The federal and the State courts and the Judges' chambers generally display military flags which have a gold fringe around three sides of the flag's edges.[84] The Stars and Stripes of the Republic are displayed nowhere on the premises of our courthouses. This indicates that these tribunals/courts operate under a questionable (colorable[85]) jurisdiction. Since tribunals/courts generally display military flags throughout most of the courthouses in America, said flags render the proceedings *Admiralty*. However, the pretended jurisdiction is that of a *Court of Law* (i.e., court of record or judicial proceeding). This means these tribunals/courts are committing fraud so as to mislead the general public. In cases where this fact has been addressed in the proceedings, *officers of the court* [Judges] threaten the complaining party with a charge of

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[84] Title 4 USCS and USCA §1 "Placing of the fringe on national flag within discretion of President as Commander-In-Chief of Army and Navy", (1925) 34 Op. Atty. Gen. 483.

[85] "That which is in appearance only, and not in reality, what it purports to hence counterfeit, feigned, having the appearance of truth." Black's Law Dictionary, 5th Edition.

contempt of court. Said party then faces unlimited imprisonment or fines for exposing the fraud. Covertly, the judiciary is proceeding as military tribunals enforcing martial law. Threat and duress are measures used to perpetrate this fraud.

This is FORMAL and ACTUAL NOTICE that the jurisdiction of the UNITED STATES and its [federal corporate sub-entity] STATES does not apply to my person or property and any jurisdiction assumed by any department, agency or agents of the UNITED STATES or its [federal corporate sub-entity] STATES – whether by my use of the USPS (federal postal districts) or by silent judicial notice that I am alleged to be a U.S. citizen – is hereby challenged.[86]

3.3.3 Judiciary is a Business

Before an action is filed with a court, the judiciary demands payment (*a consideration*) in the form of a filing fee or proof of being penniless in order to waive the consideration. Thus, ALL actions which are filed in a court (Tribunal) are contractual in nature.

In cases where the merchant tribunal breaches the contract by changing the terms of the contract, (dismissing cases), the petitioner or accuser has no power over the court. This leaves them without recourse except to contract with another tribunal of appeal in hopes the new

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[86] Title 5 of the U.S. Code § 556(d) states: "When jurisdiction is challenged the burden of proof is on the government." See also: McNutt v. G.M., 566 S. Ct. 789, 80 L. Ed. 1135, Griffin v. Matthews, 310 Supp. 341, 423 F. 2d 272, Basso v. U.P.L. 495 F. 2d 906, Thomas v. Gaskiel, 62 S. Ct. 673, 83 L. Ed. 111.

tribunal or judges will not breach the new contract. When the contract is breached, the petitioner or accuser is denied his/her day in court (which is what they contracted for and gave consideration for in the first place). In such situations, the judiciary rarely if ever reimburses the filing fee. The judge then acts as a biased arbitrator with police powers rather than as a defender of the law and equity. Moreover, the Clerk of the tribunal/court usually receives a commission on the cases filed. Since the Clerk is part of the judicial system, this means the judiciary has become a closed, self-initiating business with an insatiable appetite for funds rather than a lawful governmental branch with a responsibility to protect the public from tyranny. This fact is made evident by the increasing number of cases the officers of the court are initiating. The judiciary has a vested interest in maintaining the status quo due to the incentives in the current system (See Section 3.2.5 above).

3.3.4 Unalienable Rights Not Secure

Statutes do not secure *unalienable rights*, but create *civil rights/remedies* under the authority of the 14th Amendment. The founding fathers intended to protect our unalienable Rights. But tribunals/courts only service statutes. Statutes are both unclear and complex in construction, so much so, that most *Attorneys at Law* (officer of the court) do not even understand them. *Attorneys at Law* are highly trained professionals that must meet rigorous standards including: earning a bachelor's degree from an accredited university; graduating from an approved law school; passing the BAR exam; and, serving an informal internship. After all this training and experience, most attorneys still lose a large percentage of their cases. There is evidence which indicates that not even highly

trained attorneys can understand *colorable* statues. This being the case, then it is NOT reasonable to expect that the average *person* could comprehend such ambiguities and complexities. Yet the judiciary holds the *natural* person and *res* solely responsible and hands out punishment accordingly. These facts support a conclusion that, as they are applied to the American public, most cases and statutes are "Bills of: Attainder; pains and penalties."[87]

3.3.5 Fraud in the Judiciary

Judges and other *officers of the court* routinely perpetrate fraud on Citizens and the public at large.

> **Example 1**: Grand juries are secretly impaneled by UNITED STATES federal and STATE *officers of the court* (prosecutors) who plead their one-sided cases for indictment to the Grand Jury. Federal statutes (*Title 18 U.S.C. Anno. §§ 1503* [Tampering with a juror generally] and §1504 [Tampering with a juror by writing]) call such acts a felony but "officers of the court" are not prosecuted for said felonious actions (*selective prosecution; racketeering; conspiracy*). Nothing has been published which precludes an American Citizen/National (state Citizen) or UNITED STATES citizen from personally appearing before a grand jury, without interference or accompaniment by officers of the court, but information regarding this option is unavailable to Citizens and the public. Further, officers of the court do not inform the grand juries that they have a vested interest as a business entity [the judiciary and its

[87] Art. I, Section 9, of the Constitution prohibit bills of attainder and bills of pains and penalties per Black's Law Dictionary, 5th Edition.

army of "officers of the court"] and are prosecuting under *color of law* (fraud and; conspiracy).

Example 2: Jurors in this country are never told of their true power and authority. Jurors are never told that the Constitution for the united States of America provides that they must not only decide upon the facts placed in evidence but also upon the validity or applicability of every law, rule, regulation, ordinance, or instruction given by the judge or attorney. This is supported by the following great legal minds of the united States of America:

> *"The jury has a right to judge both the law as well as the fact in controversy." John Jay, the first Chief Justice of the U.S. Supreme Court, 1789.*
>
> *"The jury has the power to bring a verdict in the teeth of both law and fact." Oliver Wendell Homes, U.S. Supreme Court Justice, 1902.*
>
> *"The law itself is on trial quite as much as the cause which is to be decided." Harlan F. Stone, Chief Justice U.S. Supreme Court, 1941.*
>
> *"The pages of history shine on instances of the jury's exercise of its prerogative to disregard instruction of the judge . . .* [88]

These facts are withheld from juries every day, in every court (Tribunal) in the federal UNITED STATES and the federal sub-entity STATES (fraud; conspiracy; and jury tampering).

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[88] U.S. v. Dougherty, 472 F. 2nd 1113, 1139, (1972).

> **Example 3**: Every time a state Citizen (flesh and blood man [female]) receives correspondence from a federal government entity (administrative or judiciary), their name is incorrectly styled (written) in all capital letters (which represents a corporation, an artificial entity or a "legal fiction") and it is addressed to a Federal Postal District in an attempt to establish jurisdiction over the person and res of the addressee. Through this trickery and deceit, "courts" (Tribunals) routinely take silent judicial notice of a "voluntary" consent to jurisdiction (via the Federal Postal District) which is established without the knowledge of the appearing party (fraud and conspiracy).

The judiciary has become a business rather than a Constitutional entity and the people have become goods used to generate revenue for the UNITED STATES federal government and its agencies or STATES. Attorneys are merchants of law[89] and anyone appearing with an Attorney or "pro se" (as your own attorney) is appearing as a merchant. Thus, the state Citizen is unwittingly voluntarily contracting to be punished or disciplined in an action between merchants.[90]

For example here is what *Black's Law Dictionary* says:

> *" . . . pleas to the jurisdiction of the court must be plead in propria persona, because if pleaded by attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed*

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[89] U.C.C. § 2-104(1); adopted by all 50 STATES.

[90] U.C.C. § 2-104(3). .

We are not warned that to challenge the jurisdiction of the court (Tribunal) we must appear "in propria persona" (in one's own proper person).

to plead after having obtained leave, which admits the jurisdiction." Black's Law Dictionary, 5th Edition.)

Judges routinely trick those who appear before them into granting jurisdiction to the "court" (Tribunal) or becoming a "Merchant" by:

1. Having the Citizen make a plea;

2. Entering a plea for the Citizen if he/she refuses to enter a plea (having challenged jurisdiction);

3. Entering into the record, above the Citizen's objection, that the Citizen is appearing pro se (as one's own attorney or as a Merchant thus converting said Citizen into a Merchant over which their court [Tribunal] already has jurisdiction);

4. Forcing the Citizen to have a public defender ("officer of the court") which automatically confers jurisdiction upon the court if not objected to by the Citizen; and

5. Enticing the Citizen to enter into an argument with the Judge on any issue other than that of jurisdiction, which arguments grant jurisdiction to the "court" (Tribunal).

By acting in this manner, the "courts" (Tribunals) continue to perpetuate the UNITED STATES [corporate] jurisdiction without any attempt to guarantee the rights of the Citizen are protected, which is the duty of any public servant (Executive, Judicial or Legislative) who has taken the oath to support and defend the Constitution (conspiracy, and collusion).

Example 4: If someone or some entity commits a crime against my persona or my res, it is impossible to file a criminal action against that individual or entity without the permission of the District/UNITED STATES Attorney. An American Citizen is no longer permitted to file a criminal action against anyone; only the government can file a criminal action. In so doing, the BAR and the "courts" (Tribunals) have taken complete control over what is prosecuted as a crime (selective prosecution) and they often protect those in positions of trust (public servants) who regularly commit crimes in an attempt to secure convictions against Citizens. This essentially makes it possible and easy for these "public servants" to routinely violate the rights of American Citizens with impunity.

Example 5: The courts (Tribunals) routinely cooperate with the IRS and Prosecuting Attorneys' illegal confiscation of the Citizen's bank accounts and/or assets in an attempt to "make the Citizen poor" so the Citizen will not have the resources readily available to them to stage a proper defense. It is logical to conclude from these practices that the courts (Tribunals) do not act as unbiased referees seeking justice but rather these [corporate] Judges, by their actions, demonstrate that they favor and routinely orchestrate court (Tribunal) actions and decisions to support of the [corporate] UNITED STATES or STATE against the Citizen.

3.3.6 Everyone a "Criminal"

The actions of both the legislative and judicial branches of government have created a situation where anyone may be a criminal. At present, there are approximately 3 million

(3,000,000) law books in the Library of Congress and there are approximately 60 million (60,000,000) (*colorable law*) statutes in the UNITED STATES. Our legal system long has held that ignorance of the law is no excuse for not complying with the law. This principle was developed under Natural Law because most men know intuitively when they have wronged another. The common law had a related principle which held that there was no crime unless another's person, property or rights were damaged or violated in some way. However, with the addition of millions of *colorable* statutes operating outside of common law, anyone can be charged and convicted of any number of crimes which may have been passed into law without the Citizen's knowledge.

The initial intent of the Statutes or Code was to codify the common law by passing into law previous rulings which had clarified issues relative to cases in the common law. However, at some point, this project crossed the line and began to implement *colorable* statutes (which compel Citizens to perform) in direct opposition to the common law. These statutes are not law (*see UCC § 1-103:6*) even though they are continually referred to as law. No one *person* can know all of these "laws" (statutes). Since ignorance of the law is not an excuse for disobeying the law, we have a situation where every woman, man and child in America is probably breaking one or more of these laws (statutes) at any given moment. This means that any one of us at any time can be arrested and convicted if "law enforcement" (formally known as peace officers) decides to arrest us or an officer of the court decides to prosecute us.

Attorneys at Law represent themselves as experts of law. I challenge any Judge or any Prosecutor to list all of the statutes verbatim from memory. Judges and Prosecutors

have the added advantage of having a staff of Attorneys and Paralegals at their disposal to research the "law." Since no Judge or Prosecutor can quote all 60 million "laws," it is unreasonable to charge anyone with *colorable* statute violations.

4 STATE GOVERNMENT CONSIDERATIONS

Included in this Section are those issues within the federal STATE government relative to my freedom which have provoked me to make this Declaration.

4.1 Legislative Department Considerations

Relative to the [federal corporate sub-entity] STATE OF TENNESSEE government, and more specifically within the Legislative Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this *Declaration*.

4.1.1 Citizen's Right to Travel

One's Right to Travel is a natural right[91] which is foundational to the exercise of all other rights and freedoms. If it is required to obtain permission from any

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[91] Dunn v. Blumstein, 405 U.S. 330, 92 S.Ct. 995, 31 L.Ed.2d 274; Kent v. Dulles, 357 U.S. 116, 125; Schactman v. Dulles, 96 App. D.C. 287, 225 F.2nd 938, 941; U.S. v. Wheeler, 254 U.S. 381; Shapiro v. Thompson, 394 U.S. 618, 22 L.Ed.2d 600, 89 S.Ct. 1322; U.S. v. Meulener, 351 F. Supp. 1284, (CA-1972); Wall v. King, 296 F.2d 878; People v. Declemente, 442 NYS 2d 931; City of Chicago v. Collins, et al, 51 NE 907, 909, et seq.; Chicago Motor Coach v. Chicago, 169 NE 221; Hennessey v. Taylor, 76 NE 224; 11 AmJur (1st series) Section 329, Personal Liberty; USCA Art. 1 (Bill of Rights), note 10, cl. 2.

authority to use the public right-of-way to travel to the Church of one's choice, then said Citizen does not have the right to freely exercise their religion, which natural right is protected by the Constitution. Without one's ability to exercise the fundamental natural Right to Travel, one does not have freedom as protected by the Constitution.

In direct violation of this fundamental right, Legislators in the Legislatures of freely associated (50) united States, which have taken the oath to support and defend the Constitution which protects American Citizens/Nationals (state Citizens), have consistently passed into *colorable* "Law" those statutes which turn a natural unalienable Right into a STATE Privilege. They have converted a private activity which is protected by the Constitution into a commercial privilege which can be regulated by and generate revenue for the STATE.

The public schools, teachers, media and all other persons which disseminate information all use commercial terminology to define and describe private actions. For example, private activity words have routinely been replaced with commercial words by which the STATE can regulate and collect revenue from the citizen:

Private Words	v	Commercial Words
Travel	v	Drive
Automobile	v	Motor Vehicle
Guest	v	Passenger
Use & Enjoy	v	Operate
Private Carrier	v	Common Carrier

> *"First, it is well established law that the highways of the state are public property, and their primary and preferred use is for private purposes, and that their use for purposes of gain is special and extraordinary which, generally at least, the*

legislature may prohibit or condition as it sees fit."[92]

The distinction is made very clear in Title 18 USC 31:

> *"'**Motor vehicle**' means every description or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, or passengers and property."*
>
> *"'**Used for commercial purposes**' means the carriage of persons or property for any fare, fee, rate, charge or other considerations, or directly or indirectly in connection with any business, or other undertaking intended for profit."*

By education and training, Citizens have been conditioned to refer to their private natural Rights to travel as privileged commercial activities.[93] Thus the average Citizen voluntarily (or unwittingly) converts themselves from a private natural *person* into a commercial entity which is controlled and taxed by the STATE. Careful review of the STATE Codes will demonstrate that all Code statutes relative to Driving are commercial in nature and have no applicability to the private activities of the Citizen.

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[92] Frost and F. Trucking Co. v. Railroad Commission, 271 U.S. 592; Pachard v. Banton, 264 U.S. 140, and cases cited; Railroad Commission v. Inter-City Forwarding Co., 57 S.W. 2d 290; The Mayor & City of New Orleans v. United States, 35 U.S. 662, 10 pet. 662, 9 L.ed. 573; 16 CJS Constitutional Law Section 202, pg. 987; 11 AmJur 1st, Constitutional Law, Section 329, pg. 1135.

[93] Commercial activities are hauling freight or passenger(s) for hire.

4.1.2 Citizen's Right to Marry

Under the Common Law, one has the right to marry without restriction. Years ago, Citizens were conditioned to believe that one had to obtain a marriage license to get married. The natural right to marry was turned into a privilege. The reasons purported were harmless, or so it was thought; by blood testing, it would prevent the spreading of venereal disease; and by licensing one will be protected from a marriage partner who is married to more than one *person* at a time. However, it was not presented in any school or government publication that to apply for and obtain a marriage license converted the natural right into a civil contract to which the STATE was also party. By so doing, the STATE had owner rights to the property and the children created by the marriage. Otherwise, the STATE would not have been a party to the contract and it would have had no rights to direct, control, or dictate anything relative to the marriage or the children of the marriage.

Further, a license is defined as in Black's Law Dictionary as:

> *"License: the permission by competent authority to do an act which, without such permission, would be illegal, a trespass, or a tort."*[94]

No one in the legal profession has been able to explain to me what is "illegal, a trespass or a tort" about getting married.

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[94] Black's Law Dictionary, 5th Ed.;People v. Henderson, 391 Mich. 612, 218 NW2nd 2, 4.

Furthermore, as an impressionable youth, I was conditioned to believe that to get married under Common Law (without a license) was to commit an immoral act. It was never revealed to me by any government agent that Citizens have the natural right to marry, and that to apply and execute a marriage license was to make the STATE a party to the marriage (fraud).

4.2 Executive Department Considerations

Relative to the [federal corporate sub-entity] STATE OF TENNESSEE government, and more specifically within the Executive Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this *Declaration.*

4.2.1 Citizen's Right to Own Property

The Constitution protects the Citizen's right to own property. However, the Congress, in violation of the Constitution, passed legislation that made all property that of the STATE.

> *The ownership of all property is in the State: individual so-called ownership is only by virtue of Government, and use must be in accordance with the law and subordinate to the necessities of the United States. (HJR192, see Senate Document 43, 73rd Congress 1st Session)*

Under Common Law, one has the right to own property without restriction. This means that one possesses the Legal Title to the property and that no one can take said property without "due process of law." However, Citizens have been tricked into giving Legal Title away to the city or county (STATE) by recording the color-of-title

deeds with the County Recorder Office. As a result of the filing of these *color-of-title* documents, the STATE claims to have unencumbered Legal Title and the Citizen is reduced to no more than a renter or tenant on the property which they sincerely believe they own.

Because the STATE has taken Legal Title from the Citizen through trickery, deceit and without full disclosure (fraud), the STATE then claims that it can regulate and confiscate the property when property taxes (rent or use fees) are not timely paid to the City or County. The STATE also assumes priority control and regulation over what the property may be used for, and what activities, enterprises or improvements are allowed or permitted to take place or be built upon the property.

This Declaration hereby exposes this fraud and I reclaim all Legal Title and my natural right to exclusively own, use and control my own property as guaranteed and protected by the Constitution.

4.2.2 Corporate Government

Around 1933, the federal government declared bankruptcy on its obligations to the [privately owned] Federal Reserve Bank – without publicizing this circumstance to the American people.[95] After the bankruptcy of the UNITED STATES federal government, all the *de jure* lower levels of government structures at various levels (United States, State, County, and City) were restructured and reorganized to

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[95] United States Congressional Record – March 17, 1993 – Vol. 33, pg. H-1303 – Speaker-Rep. James Traficant, Jr. (Ohio) addressing the House.

become subsidiaries or *sub-entity corporations* under the UNITED STATES federal government.[96] Consequently, their original function as valid, governing bodies – empowered and chartered only by authority of the people – came to an abrupt end. This event was not publicized to the American people, and most Americans today are still *completely ignorant* of these critically important developments.

According to the Maxim of Law, "The created cannot be greater than the creator," the federal STATES cannot have authority or jurisdiction greater than the UNITED STATES Federal government (i.e., Washington, D.C., the Territories and any land ceded over to the united States of America). Therefore one can readily see that to extend the jurisdiction of the UNITED STATES federal government, and that of the STATES, to the freely associated united States, is fraud and deception willfully perpetuated by public servants at all levels of government and this information is routinely and fraudulently hidden from Citizens by said public servants. Otherwise, the STATES would be powerless to enforce its 60 million statutes upon anyone or any entity outside Washington, D.C., the Territories or lands ceded over to the united States of America.

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[96] "It is an established fact that the United States Federal Government has been dissolved by the Emergency Banking Act", March 9, 1933, 48 Stat. 1, Public Law 89-719; declared by President Roosevelt, being bankrupt and insolvent. H.J.R. 192, 73rd Congress, session June 5, 1933 – Joint Resolution To Suspend The Gold Standard and Abrogate The Gold Clause dissolved the Sovereign Authority of the United States and the official capacities of all United States Governmental Offices, Officers, and Departments and is further evidence that the United States Federal Government exists today in name only."

A significant implication of these incorporation efforts is that the various levels of "law enforcement" have become *colorable* "law" (statute) enforcers impersonating peace officers. Citizens were never told that they had lost the protection of police powers authorized under the individual organic state and federal Constitutions. They also were never told that the job of their supplanted law enforcement officers (formerly known as peace officers) was to process (arrest and charge) Citizens caught in violation of any of the 60 million *color of law* statutes on the books. These processes serve to fatten the coffers of these government corporations – not to mention the burgeoning, privately-owned prison industry.[97] This leaves the people without valid police power to offset the tyranny of the corporate government, or to protect the interest (persona and res) of the people.

4.2.3 Executive/Administrative Fraud

Various administrative agencies at every level of the *de facto* STATE government regularly perpetrate fraud on the public at large.

Example 1: When an American Citizen/National (state Citizen) or a UNITED STATES citizen purchases an automobile, the Legal Title to the automobile (Manufacturer's Statement of Origin) is sent to the STATE. In exchange for surrendering the Legal Title to the STATE, the buyer is given a ***"Certificate of Title."*** This certificate of title is not the Legal Title to the property; it is only a

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[97] The prison population in the U.S. has tripled since 1980. There are more prisoners in the U.S. than in Red China and the U.S. has about ¼ the population.

certificate indicating that a Legal Title exists. The buyer is never informed that the STATE has seized the Legal Title to the automobile through *color of law*. Through *color of law*, (e.g., registration, licensing, taxes), the STATE then leases the automobile back to the unwitting buyer. The automobile then is converted to a "motor vehicle" so that it will fit within the STATE'S statutes on commercial transportation. A similar scenario is carried out in other property tax situations. These acts of collusion, fraud, theft, and conversion are committed or aided consistently by *Attorneys* and *officers of the court* (Public servants) while enforcing statutes under *color of law*. While engaging in these crimes they secretly rely on judicial immunity to protect themselves from prosecution.

Example 2: When I, an American Citizen/National (state Citizen), purchase a piece of property in one of the freely associated united States, I am not given an allodial [lawful] title or land patent. Instead I am given a *color-of-title* deed which was not fee simple absolute. The corporate STATE and COUNTY governments then assumes a position in which they have fraudulently annexed my property and they lease it back to me for what is called property taxes. This amounts to nothing more than an extortion payment.

Example 3: The STATE issues licenses for various purposes, e.g. marriage, various occupations (contractor, chiropractor, nurse, doctor, CPA, etc.), and for driving a private vehicle, etc. The definition for license is *"permission from a competent authority to do something that without the permission would be illegal, a trespass, or a*

tort."[98] Please explain to me what is illegal, a trespass or a tort about getting married; earning a livelihood in a lawful profession; traveling on the public highways to church, one's job, or the store. *Black's Law Dictionary* provides evidence that each of these activities is a fundamental right rather than a licensed privilege. It would seem that, through *color of law* (statutes), people (allegedly) now need licenses to engage in what should be Natural Rights, which is contrary to the ruling of the UNITED STATES Supreme Court (Tribunal) that the State may not convert a right into a privilege and charge a fee for licensing it.[99]

Example 4: The STATE, COUNTY and CITY governments throughout the nation would have the public believe that there will never be budget surpluses. The various levels of government constantly pass legislation to provide yet more funding. The actual fact is that many of these entities have a surplus. The various levels of government in essence keep two sets of books. The one that they like to talk about is the budget. But the one that tells the real story is the Comprehensive Annual Financial Report (CAFR). The budget is only a planning document. The CAFR shows what actually happened. A careful review of the CAFR of many of these entities will reveal that huge surpluses exist. For example, for fiscal year 2001, the State of California had an excess of $60.94 billion[100] and the State of Texas had an excess of $54.84

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[98] Black's Law Dictionary, 5th Edition.

[99] Murdock v. Pennsylvania, 319 U.S. 105; Schuttlesworth v. Birmingham, Alabama, 373 U.S. 262.

[100] Per documents found at http://www.cafrman.com/Articles/Art-CA-S1.htm.

billion.[101] Other STATES have similar excesses including but not limited to: ARIZONA, FLORIDA, INDIANA, MASSACHUSETTS, NEW YORK, OHIO, OREGON, and WASHINGTON.

These funds are not needed or spent for the operation of all government functions, funds, accounts, agencies, entitlement programs, etc., directly or indirectly, for the year(s) covered by the budget, which is usually one year. Theoretically, at the end of every fiscal year, governments should have little or no cash/investments on hand. But what I have recently discovered is that most governments have huge amounts of cash and investments on hand at the end of the fiscal year. And somehow, said cash and investments are not being recycled back through the budget process the next year but are being held year-after-year and the income and amounts keep increasing.

One study estimates the total, accumulated, extra-budgetary surpluses of combined local, STATE and UNITED STATES federal governments amount to the staggering sum of approximately $60,000,000,000,000 (sixty trillion dollars).[102] The governments' ownership of this vast wealth and assets is not publicized to the public. Instead, the government continues to dun the "taxpayers" for higher and higher taxes allegedly necessary to "balance the budget" – or else suffer the reductions of government programs which benefit the "taxpayer."

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[101] Per documents found at http://www.cafrman.com/Articles/Art-TX-S1.htm.

[102] After his election, Governor Jesse Ventura of Minnesota discovered this hidden C.A.F.R. treasure chest in his state, and proceeded to rebate the money to the taxpayers – the rightful owners of this considerable wealth.

4.3 Judiciary Department Considerations

Relative to the [federal corporate sub-entity] STATE OF "TENNESSEE" government, and more specifically within the Judiciary Department of said government, I include in this sub-section issues relative to my freedom which have provoked me to make this *Declaration*.

4.3.1 Silent Judicial Veto

Lower "courts" (Tribunals) often ignore the rulings of "higher courts" or view said rulings as only "opinions" and the "courts" (Tribunals) take a contrary position to the "higher court" (Tribunal) against the Citizen and in favor of the (corporate) government (Federal, STATE or local). These lower courts are practicing a silent judicial veto of these "higher court" rulings when they have not been granted said power by the Constitution to do so. This action then requires a Citizen to take the matter (at an increased expense) to a "higher court" and often the *silent judicial veto* is perfected when the "Supreme court" (Tribunal) refuses to hear said case. This confirms that America no longer has courts of law but rather only Tribunals which are acting in a commercial capacity (treating "higher court" rulings as only opinions) and as a business to generate revenues for the UNITED STATES government and its agencies the STATES (i.e., STATE OF TENNESSEE).

5 OTHER CONSIDERATIONS

Included in this section are other general issues relative to my freedom which have provoked me to this *Declaration*.

5.1 The BAR Association

I have recently discovered that the BAR Association has placed itself in an unprecedented position of power within the halls of government against the American people.

Colorable statutes are written exclusively by BAR Attorneys in the various *de facto* federal and STATE legislatures in America. These legal professionals know that, under Common Law, no one can be compelled to perform, except for breech of contract. These legal professionals continue to willfully create millions of *colorable* statutes (based on a fraudulent alleged contract between the UNITED STATES and UNITED STATES citizens) which are not in harmony with the Common Law and which are intended to abrogate the law (Common Law).[103]

Prosecuting (BAR) Attorneys at the local and federal level can self initiate an action against anyone at any time (through unlawful indictments) even though no one's *person*, property or rights have been damaged and no one has filed a complaint. These same prosecuting Attorneys are the only ones who can file a criminal action against a third party. Thus, they are in a position to orchestrate selective prosecution and to protect their own members (other Attorneys, Judges, IRS Agents, and many politicians who are also Attorneys) from prosecution.

Judges (BAR Attorneys) are the alleged unbiased referees in these self-initiated actions but they often demonstrate a bias toward the prosecuting (UNITED STATES or STATE) Attorney by restricting evidence,

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[103] UCC 1-103:6.

sustaining the prosecutor's objections, overruling the objections of the accused, forcing the *pro per* accused Citizen to have a public defender (thereby granting jurisdiction to the court), taking silent judicial notice that the accused is a UNITED STATES citizen with limited civil rights and without unalienable Rights, taking silent judicial notice that the accused is an incompetent child of the STATE, and a host of other actions which are devised to tip the scales in favor of the *de facto* corporate government.

The unsuspecting accused Citizen, following the advice of friends and often times the court, hires a BAR Attorney to defend them. Many of these Attorneys work out deals with the prosecutor and support the prosecutorial system, out of fear of reprimands and reprisals by the court and the BAR rather than fight for the rights of their clients.

Before one can become an Attorney, one must attend an accredited Law School and said accreditation is granted to the school by the BAR Association. Thus the BAR controls the curriculum of the Law Schools in support of the colorable statutes created by other BAR Attorneys. For example, Attorneys are not taught the Common Law, Pure Trusts, etc. They live and operate only in the *color of law* statutory realm.

Once one has graduated from Law School, they must take the BAR exam which is also administered by the BAR. Based on the passing of this exam, they are permitted to practice law.

The BAR has created a very complicated and meticulous procedure for the courts designed only to secure more convictions and to promote the monopolistic legal profession as the

only individuals who are knowledgeable enough to represent the accused Citizen and help them navigate through the system. Many have gone to jail simply because they made a mistake procedurally and evidence was not permitted or they did not file in a timely manner, etc.

Several [corporate sub-entity] STATES have actually written into the Trial Court Rules that no changes can be made to said rules or procedures without the review and approval of the BAR Association (see Oregon Trial Rules, 2001).

Attorneys at law are statute "merchants," as defined in the UNITED STATES and STATE [corporate] business code, *UCC § 2-104(1),* holding membership and swearing allegiance to corporate business entities known as the BAR (**B**ritish **A**ccredited **R**egistry) Associations. Great Britain is virtually the only country in the world without a BAR Association because the BAR was created by the British.

Attorneys are dubbed ***Esquire***, which is a title of nobility meaning "Shield Bearer." America does not have titles of nobility or a special class of Citizen and this only further confirms that Attorneys are foreign British agents of the (**B**ritish **A**ccredited **R**egistry) or BAR.

In this manner, a private corporation known as the BAR Association has strategically positioned itself to replace the legitimate functions of the *de jure* American government and actually replace or become the *de facto* government ***(treason).***

5.2 Other Contractual Entrapments

There may be other hidden UNITED STATES Federal and/or STATE contracts beyond those mentioned in the foregoing sections that I have omitted or which have not been cited. I am unaware of receiving any benefits or consideration (for which I have not paid a consideration) that could serve to ensnare me into additional hidden contracts and thereby entrap me in a co-surety obligation of the UNITED STATES federal or STATE corporate debt. It is not my intent to be a willing party to any such contracts. If I receive any service[104] under contract which attempts to entrap me into a co-surety obligation of the federal corporate debt, said contracts, whether or not signed by me, are accepted "without prejudice." I hereby serve ACTUAL NOTICE to all levels of the UNITED STATES federal and STATE governments with this FORMAL and ACTUAL NOTICE that any other contracts that would entrap me in a co-surety obligation of the federal corporate debt are vitiated and NULL AND VOID – *ab initio* – by reason of undue influence, fraud, duress and coercion.

If any such contracts exist, you are hereby directed to provide me with written (hardcopy) evidence of said contracts within the time frame and in accordance with the conditions for responding to this *Declaration*.

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[104] These services include, but are not limited to, use of any public conveyance which one often receives without an opportunity to sign a particular document.

5.3 Judiciary Contractual Entrapments

With the exception of the reservations made below, this *Declaration* constitutes my FORMAL and ACTUAL NOTICE of Severance and Waiver, Forfeiture, and Rejection of Admiralty Benefits to the UNITED STATES Federal and STATES Judiciary. I do hereby waive, forfeit, forego, and reject, any and all benefits (other than those secured by the Constitution) that would otherwise inure to me as an artificial/juristic person.

I do however reserve all my unalienable Rights to:

1. Participate in any so-called UNITED STATES benefits for which I have paid and am paying a consideration without becoming a co-surety of the federal corporate debt;

2. Participate in any so-called benefits for which the Constitution has made explicit provision; and

3. Access and use the *de facto* Admiralty legal system which has replaced that which is implied, inferred or expressed in the Constitution for the United States of America and the Bill of Rights without surrendering any of my unalienable Rights; there being no alternative, lawful Common Law courts in existence today.

5.4 U.S. Officers Breech Their Oath of Office

The corporate officers of the UNITED STATES[105] have allowed tyrant judges, shameless lawyers, and a corrupt

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[105] Included in this list of officers are the U.S. President, U.S. Chief Justices, Commissioner of the Internal Revenue Service, State Chief Justices, Governors, and U.S. and State Legislatures and the predecessors of same.

IRS to extort, harass, and terrorize me and other law-abiding citizens. Said officers have allowed idolatrous citizens to abuse their voting power for selfish gain in the process of allowing corrupt politicians to buy votes using money borrowed from their children's inheritance. Said officers have turned this once great country (Republic) into a (Democracy) debtor nation and in the process destroyed the liberty and freedom which has been the fabric of American society. Said officers have sold our children into slavery to pay off debts accumulated by the sins of their parents in clear violation of ***18 U.S.C. 1581*** (Treason)!

Thomas Jefferson, one of our founding fathers, warned of this evil:

> *"Funding I consider as limited, rightfully, to a redemption of the debt within the lives of a majority of the generation contracting it; every generation coming equally, by the laws of the Creator of the world, to the free possession of the earth He made for their subsistence, unencumbered [sic] by their predecessors, who, like them, were but tenants for life." – Thomas Jefferson to John Taylor, 1816. ME 15:18*
>
> *"[The natural right to be free of the debts of a previous generation is] a salutary curb on the spirit of war and indebtment, which, since the modern theory of the perpetuation of debt, has drenched the earth with blood, and crushed its inhabitants under burdens ever accumulating." – Thomas Jefferson to John Wayles Eppes, 1813. ME 13:272*
>
> *"We believe – or we act as if we believed – that although an individual father cannot alienate the labor of his son, the aggregate body of fathers may alienate the labor of all their sons, of their posterity, in the aggregate, and oblige them to pay*

for all the enterprises, just or unjust, profitable or ruinous, into which our vices, our passions or our personal interests may lead us. But I trust that this proposition needs only to be looked at by an American to be seen in its true point of view, and that we shall all consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life of the majority." – Thomas Jefferson to John Wayles Eppes, 1813. ME 13:357

"It is incumbent on every generation to pay its own debts as it goes. A principle which if acted on would save one-half the wars of the world." – Thomas Jefferson to A. L. C. Destutt de Tracy, 1820. FE 10:175

To preserve [the] independence [of the people,] we must not let our rulers load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude. If we run into such debts as that we must be taxed in our meat and in our drink, in our necessaries and our comforts, in our labors and our amusements, for our callings and our creeds, as the people of England are, our people, like them, must come to labor sixteen hours in the twenty-four, give the earnings of fifteen of these to the government for their debts and daily expenses, and the sixteenth being insufficient to afford us bread, we must live, as they now do, on oatmeal and potatoes, have no time to think, no means of calling the mismanagers to account, but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers." – Thomas Jefferson to Samuel Kercheval, 1816. ME 15:39

Said officers have raped and debauched the specie which governs the mode and the medium of money, and have bankrupted the Nation as a whole through conspiracy and sedition. The Constitution for the UNITED STATES, under Article I, Section 10 still reads:

> *"No state shall . . . coin money, emit bills of credit, make any thing but gold and silver a tender in payment of debts . . . "*

Following the civil war, in 1868, said officers coerced legislators of the southern states to ratify the 14th Amendment at gunpoint, which subsequently created a new class of UNITED STATES citizenship originally meant only for slaves and which carried with it civil rights which are less than the full unalienable Rights as protected by the Constitution. The following cite clarifies this from *Elk v. Wilkins*, 112 U.S. 94 (1884):

> *"By the thirteenth amendment of the constitution slavery was prohibited. The main object of the opening sentence of the fourteenth amendment was to settle the question, upon which there had been a difference of opinion throughout the country and in this court, as to the citizenship of* ***free negroes****, (Scott v. Sandford, 19 How. 393;) and to put it beyond doubt that all persons, white or black, and whether formerly slaves or not, born or naturalized in the United States, and owing no allegiance to any alien power, should be citizens of the United States and of the state in which they reside. Slaughter-House Cases, 16 Wall. 36, 73; Strauder v. West Virginia, 100 U.S. 303, 306."*

Said officers then deceived everyone born in the nation into falsely believing that they were "U.S. citizens" with said diminished "civil rights", and thereby created a

contractual nexus within equity law under Section 4 of the 14th Amendment to violate the prohibitions against direct taxation found in Article 1, Section 2, Clause 3 and Article 1, Section 9, Clause 4 of the Constitution. I am not a freed slave nor do I want to be treated as a second class citizen with diminished rights like the freed slaves were, with no Bill of Rights (unalienable Rights). Shame upon said officers for trying to use the 14th Amendment to *entice me into slavery to the de facto government*!

> *"Single acts of tyranny may be ascribed to the accidental opinion of a day. But a series of oppressions, pursued unalterably through every change of ministers, too plainly proves a deliberate systematic plan of reducing us to slavery".* – ***Thomas Jefferson***

Said officers allowed a corrupt, lame-duck secretary of state, Philander Knox, to fraudulently ratify the 16th Amendment in 1913. When the Supreme Court would not authorize the direct tax they sought using the 16th Amendment, they obfuscated the IRC to fool law-abiding Citizens into thinking that they were liable for a tax that was not applicable to them; the result of which is an incomprehensible tax code and the treasonous confiscation and redistribution of America's wealth to satisfy the insatiable greed of the International Bankers, whom said officers serve rather than "American Citizens".

Said officers subsequently sold America into debtor slavery by passing the Federal Reserve Act of 1913, which turned over control of our nation's money supply to PRIVATE banking interests which said officers have refused to

audit or oversee[106]. This was one of the greatest acts of treason said officers have ever committed/supported. In the process, said officers lawlessly and illegally delegated powers that they had ***no constitutional authority*** to delegate and which violated the public trust. **Thomas Jefferson** warned of this evil, when he said:

> *"If the American people ever allow private banks to control the issue of their currency first by inflation and then by deflation, the banks and corporations that will grow up around them will deprive the people of all property until their children will wake up homeless on the continent their fathers conquered"* ***Thomas Jefferson*** *in 1802 in a letter to then Secretary of the Treasury, Albert Gallatin*

In 1929, said officers allowed the FED to manipulate the money supply so low as to create an induced national crisis and depression which then became the nexus to further illegally expand the powers of the national government. Said officers then offered up the American States, and therefore the property of all the inhabitants, as collateral to pay the foreign International Bankers in 1933. In that same year, on March 9, 1933, said officers passed the Trading with the Enemy Act to create a state of national emergency. Said officers used this as an opportunity to plunder all the gold and silver from sovereign Citizens and thereby coerce them to accept the paper money they didn't want and which the Constitution did not authorize. That state of national emergency, still in

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[106] The Federal Reserve Bank, which is not "Federal", has no reserves and is not a "Bank", has never been audited by the U.S. government since it was created in 1913.

effect today, illegally expanded the powers of the president and the national government under the guise of a government-induced national emergency. Hitler did the same thing when he passed Article 48, the German Emergency Power Law:

> *"If the public safety and order in the German Reich are seriously disturbed or endangered, the President of the Reich may . . . suspend in whole or in part the fundamental rights established [including] inviolability of person, inviolability of domicile, freedom of opinion and expression, freedom of assembly and association, secrecy in communication and inviolability of property."*

Said officers then abused this crisis and, through demagoguery and lies, implemented the *Social Security system* that, like a cancer, began eating away at our liberty in the slow death of our Republic. This began the relentless march of the *totalitarian socialist democracy* in which we now find ourselves. Said officers lied when they started the Social Security program by telling us that the SSN would *NOT* be used for identification. Now, said officers have written all kinds of statutes that make it nearly impossible to function in our society without the SSN. Now everyone is compelled to apply for and to obtain a SSN in full violation of the statutes which govern the actions of public servants and 14th Amendment citizens.

Said officers authorized the private Federal Reserve Banks, to control the issue of our currency, by inflation and deflation and fiat *de facto* dollars (FRNs), to the extent that people today are being deprived of all their property, driven homeless, and controlled by the very same banking cartel that forced our forefathers to seek refuge in America, all to pay said officers' bankruptcy which is not

ours/mine. The International Bankers' manipulation of the money supply has introduced a new kind of invisible tax called inflation that amounts to about 3 percent per year, but which would not occur if said officers had followed the Constitution and only allowed the issuing of gold or silver money.

Said officers have created, by sophistry, a class of people known as United States citizens that has caused domestic unrest amongst those of us who still call ourselves Americans. Americans threw off all Kings over two hundred years ago, only to be enslaved again by men of a despicable political kind.

Said officers have caused the bankrupt status of not only the 50 American State governments but they put all Americans into involuntary bankruptcy and forced us/me into slavery, peonage, and involuntary servitude because they destroyed and confiscated all substance from our currency.

Through the unconstitutional operation of UNITED STATES tax laws upon American Citizens in the freely associated united States and the *quasi*-requirement to use a SSN, said officers have conspired to deprive Americans of their privacy by making it virtually impossible to conduct a financial transaction in privacy, as guaranteed by the Constitution. Because said officers have made it impossible for anyone to quit the Social Security Program (with exception of fraud as identified supra), said officers have, in effect, virtually *outlawed personal responsibility*.

Said officers have caused injustice by converting constitutionally mandated Common Law judicial courts of due process into Contract Courts dealing only in a bastardized form of Equity Law. Said officers have overlooked

the tyranny, debauchery, and transgressions of these courts and thereby transformed our nation into a government of men instead of Law. Said officers have failed to correct injustice in the Supreme Court when it denied *certiorari*[107] for cases which it clearly should have heard, especially as it relates to taxation and appeal from the circuit courts. The federal courts have thereby become an arm of the Executive branch, indicated by the Executive gold fringed flag and seal, and not the arm of independent justice under God's Law of Natural right. Said officers have hidden the true justice in the courts at law, as true despots do, so that a man of average or above average intelligence cannot find the true Courts or obtain due process. They have replaced the Courts with international vice-admiralty tribunals because of the compacts with foreign powers, to which, SAID OFFICERS, under the guise of government, have become servant; this then makes the judges nothing more than civil affairs operatives under military power, and they too are not registered, in violation of the Foreign Registration Laws of this country.

The majority of said officers (legislators, lawyers, judges, prosecutors, Governors and Presidents [see Section 5.1]) belong to the private American BAR Association, which exclusively writes the laws for America, then rubber stamp them under the guise of a representative Congress of the people in direct violation of the Constitution and in violation of said officers oaths they pretend to take.

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[107] The name of a writ issued by a superior court directing an inferior court to send up to the former some pending proceeding for review or trial.

Said officers have given exclusive power to litigate cases before tribunals/courts to the BAR Association, to which most of said officers and government public servants belong. This is in violation of the Titles of Nobility Clauses of the organic Constitution, which deprives me of the counsel of my choice and of due process.

Said officers have allowed non-agency IRS[108] to attempt to collect from me a portion of the UNITED STATES debt, to which I never agreed or consented, which would eat out my substance, all in order to pay for said officers' greed, in violation of their peonage laws. This same IRS illegally enforces an income tax with no delegated authority[109] and with complete contempt for my God-given Rights to property, as protected by the Constitution. Said officers have looked the other way while this agency (IRS) and the federal courts raped and pillaged Americans because said officers didn't have the decency to control their own lust for power and money and the debt that feeds it, which must be paid off with extorted tax dollars.

Said officers have twisted the definitions of words (see Section 3.2.4 and 3.2.5), as true sophisticates, to suit the means by which said officers enslave the masses. These actions deprive Citizens of the right to: travel, work, farm, own property in allodium, free from taxation, as it should be, and to be left alone.

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[108] The IRS was not created by an act of Congress and therefore is not a duly created government agency.

[109] The Constitution grants Congress the power to collect taxes and this is a power which they have no authority to delegate to the executive branch.

Said officers create numerous new crimes under a plethora of statutes (which have never been crimes in any civilization for thousands of years), then coerce us/me to sign instruments containing perjury statements under this private law, against my consent, or risk being fined or jailed, in order to live.

Said officers have destroyed my freedom and unalienable (nontransferable) Rights which were given to men (male/female) by their Creator, by said officers' alleged arbitrary dominion over me and my property.

Said officers have brought our nation full circle in their absolute despotism when imprisoning and killing innocent Americans for exercising their God-given unalienable Rights as protected by the Constitution.

Said officers have destroyed my Peace, Welfare, Dignity, and Happiness, to which the damage has been greater than mere money can repay. According to Natural Law and reason, said officers should be (should have been) tried for treason and punished accordingly for said seditious behavior, odious actions and contrived emergencies that have never been legally declared ended. Said officers have been deaf to the voice of Justice and of consanguinity. The time for correction is now! I must, therefore, denounce said officers' way against me and other Americans so I/we can live under the Creator's Laws.

Said officers, lawmakers, lawyers and judges, by their actions, have long relinquished their trust and have breeched their oath to "support and defend the Constitution of the United States." Therefore, I, an American Citizen/National (state Citizen), make this *Declaration* that I have regained my Sovereign status in America (the Republic), under the Creator's Law, and I will keep myself independent

from any *de facto* governments or any other unlawful forms of tyranny with whatever means necessary.

6 CONCLUSIONS

This ***FORMAL DECLARATION*** shall serve to inform all UNITED STATES federal and STATE Officers and their respective agents, that I am no longer a juristic person under UNITED STATES and [federal corporate sub-entity] STATE statutes. Further, I am no longer a juristic person under the international contractual obligations between the UNITED STATES, the STATE OF TENNESSEE or any other STATE, and the FED.

I, Anita Jean Vedder, *Sui juris*, a sovereign American Citizen/National (state Citizen) in the Tennessee state Republic, declare that I have reclaimed my "unalienable Rights" which include, but are not limited to, the right: to contract and not to contract; to marry; to earn a livelihood in any lawful calling; to own property; of freedom of travel, locomotion and movement on land, sea or air *[AmJur (1st series) Sec. 329, Personal liberty]*, to carry on business; to establish commerce; of freedom of speech; of freedom from governmental interference in exercise of intellect, information of opinions, in the expression of them, and in action or inaction dictated by judgment; of freedom from servitude, imprisonment or restraint; of freedom of occupation; of freedom of religious expression; of self-defense against unlawful violence; to bear arms; to use property according to the owner's will; etc.

It may have been reasonable to assume that I was property of the corporate STATE as long as I was unaware of my alleged status as a UNITED STATES citizen. However, now that the recent evidence of fraud, treason,

conspiracy, extortion, theft, and numerous other crimes by government agents (public servants) have been uncovered and exposed in this *Declaration*, due to my Expatriation and Repatriation, pursuant to 8 USCA §1481(a)(6), my status has been restored to my birthright status as a competent and unencumbered American Citizen/National (Tennessee state Citizen) and *sui juris*.

NOTICE TO THE PRINCIPAL
IS NOTICE TO THE AGENT
NOTICE TO THE AGENT
IS NOTICE TO THE PRINCIPAL
Applicable to all successors and assigns
Silence is Acquiescence

Subscribed and executed on this 20th day of June, in the year of our Lord, 2002.

/s/ Anita Jean Vedder
Anita Jean Vedder

state: Tennessee)
) ss.
county: Rutherford)

Subscribed and sworn to before me this 20th day of June, 2002.

/s/ Deborah Walker
Notary Public at large

My Commission Expires:

Seal **NOTARY PUBLIC, RUTHERFORD COUNTY TN**
MY COMMISSION EXPIRES JUNE 28, 2004

AFFIDAVIT OF SERVICE

TO WHOM IT MAY CONCERN:

Be it known that on March ___, 2004, a true and original copy of my True Citizenship and Non-juristic Status, nunc pro tunc[2], was hand-delivered, served on and accepted by Attorney General John D. Ashcroft's designated officer of the (corporate) UNITED STATES[1], one, _____, _____ pursuant to and Compliance with 8 USCA § 1481(6). Signature Printed Name

Subscribed and sworn to before me this ___th of March, in the year of our Lord, 2004.

_____

Notary Public at large My Commission expires: _____

Seal:

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[2] *See* page B-3.

[1] *Id.*

B-109

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Chief Justice William Hubbs Rehnquist
Supreme Tribunal/court of the United States
U.S. Supreme Court Bldg.
1 First Street N.E.
Washington, D.C. 20543

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR584-483-309-US

Greetings, Justice Rehnquist:

On June 24, 2002, I served President George W. Bush with my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. You likewise are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status,*" hereinafter referred to as "*Declaration,*" by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the Chief Judicial [corporate] UNITED STATES Officer, of my *True Citizenship and Non-juristic Status, nunc pro tunc,*[1] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me (without full

[1] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done." *Black's Law Dictionary,* 5th Edition.

disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government throughout my life. This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[2] American National (state Citizen)[3] in the Republic of the several union states and in particular, Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES and its affiliate [federal corporate sub-entity] STATE Tribunals/courts.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent Peoples of America have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to a clearer understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: serve OFFICIAL NOTICE upon the Chief Judicial [corporate] UNITED STATES Officer – that would be you, Mr. Rehnquist – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are

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[2] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition.

[3] To be completely clear, I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art IV Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

hereby vitiated, *ab initio*[4], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc,* which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

> The U.S. supreme Court declared in the case of *Hooven and Allison v. Evatt*[5] that:

* * *

[4] Lat. From the beginning

[5] *Hooven & Allison Co. v. Evatt,* U.S.Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252

B-112

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Commissioner of Internal Revenue Service
c/o 1111 Constitution Ave. N.W.
Washington, D.C. 20224

Attn: IRS Commissioner, Charles O. Rossotti (or current office holder)

RE: Notice of *Declaration of True Citizenship and Non-juristic Status,* and Liability of federal taxes

SENT: Registered mail, return receipt requested #RR584-483-312-US

Dear Commissioner & To Whom It May Concern,

On June 24, 2002, I served President George W. Bush with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. On July 1, 2002, I also served Chief Justice Rehnquist of the Supreme Tribunal/court of the UNITED STATES with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "B"). You likewise, as the Commissioner of the Internal Revenue are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status*," hereinafter referred to as "*Declaration*," by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to you that I am a *Sui*

juris[1] American National (state Citizen)[2], **and I am NOT an artificial/fictitious/juristic person or a 14th Amendment UNITED STATES citizen.** As such, **I am not subject to the federal income tax system or the jurisdiction of the Internal Revenue Service.**

Having recently come to a clearer understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this *Declaration* in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the [corporate] UNITED STATES Commissioner of the Internal Revenue – that would be you, Mr. Rossotti – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[3], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc*[4], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

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[1] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition

[2] To be completely clear. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

[3] *Latin* From the beginning

[4] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done." *Black's Law Dictionary*, 5th Edition.

To clarify which UNITED STATES I am expatriating from, I submit the following:

> The U.S. supreme Court declared, in the case of *Hooven and Allison v. Evatt*,[5] that:
>
> > *The term 'United States' may be used in any one of several senses. It may be merely*:
> >
> > [*1*] *the name of a sovereign occupying the position analogous to that of other sovereigns in the family of nations (hereinafter referred to as "United States or United States of America");*
> >
> > [*2*] *It may designate the territory over which the sovereignty of the United States extends [324 U.S. 652, 672], (hereinafter referred to as "UNITED STATES"); or,*
> >
> > [*3*] *it may be the collective name of the states which are united by and under the*
> >
> > * * *

[5] *Hooven & Allison Co. v. Evatt,* U.S.Ohio, 324 U.S. 652, 65 S.Ct 870, 880, 89 L.Ed. 1252.

B-115

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Chief Justice Frank F. Drowota, III
Supreme Tribunal/court of the STATE OF TENNESSEE
318 Supreme Court Building
401 7th Ave. No.
Nashville, TN 37219

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR 584-483-330-US

Greetings, Chief Justice Drowota, III:

On June 24, 2002, I served President George W. Bush with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. On July 1, 2002, I also served Chief Justice Rehnquist of the Supreme Tribunal/court of the UNITED STATES and Governor Sundquist, Chief Executive Officer of the [*federal corporate sub-entity*] STATE OF TENNESSEE, with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "B"). You likewise are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status,*" hereinafter referred to as "*Declaration,*" by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the Chief Judicial [federal corporate sub-entity] STATE OF TENNESSEE Officer, of my *True Citizenship and Non-juristic Status,*

nunc pro tunc,[1] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me (without full disclosure and without my knowledge and consent) by the [federal corporate sub-entity] STATE governments throughout my life. This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[2] American National (state Citizen)[3] in the Republic of the several union states and in particular, Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES and its affiliate [federal corporate sub-entity] STATE Tribunals/courts.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent Peoples of America have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to a clearer understanding of what has happened to America's freedom while we (and

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[1] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done" *Black's Law Dictionary*, 5th Edition.

[2] "Of his own right possessing full social and civil right not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition.

[3] To be completely clear, I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

our forebears) were all "asleep," I must lodge my complaint and this ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: serve OFFICIAL NOTICE upon the Chief Judicial [federal corporate sub-entity] STATE Officer – that would be you, Mr. Drowota – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[4], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc,* which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

* * *

[4] *Latin* "From the beginning".

Anita Jean Vedder
Without prejudice
1000 Kilgrow Ct.
Smyrna, Tennessee [37167]

July 1, 2002

Don Sundquist, Governor of the STATE OF TENNESSEE
Office of the Governor
State Capitol
Nashville, TN 37243

RE: Notice of *Declaration of True Citizenship and Non-juristic Status.*

SENT: Registered mail, return receipt requested #RR 584-483-326-US

Greetings, Governor Sundquist:

On June 24, 2002, I served President George W. Bush with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "A"), *expatriating* from the [corporate] UNITED STATES. On July 1, 2002, I also served Chief Justice Rehnquist of the Supreme Tribunal/court of the UNITED STATES and Chief Justice Drowota, III, of the [*federal corporate sub-entity*] STATE OF TENNESSEE Supreme Tribunal/court, with Notice of my "*Declaration of True Citizenship and Non-juristic Status*" (see Attachment "B"). You likewise are hereby SERVED with the attached "*Declaration of True Citizenship and Non-juristic Status,*" hereinafter referred to as "*Declaration,*" by and for Anita Jean Vedder. This *Declaration* now serves as FORMAL and ACTUAL NOTICE to the Chief Executive [federal corporate sub-entity] STATE OF TENNESSEE Officer, of my *True Citizenship and Non-juristic*

Status, nunc pro tunc,[1] which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me (without full disclosure and without my knowledge and consent) by the [federal corporate sub-entity] STATE governments throughout my life. This document completely and unequivocally establishes me, Anita Jean Vedder, as a *Sui juris*[2] American National (state Citizen)[3] in the Republic of the several union states and in particular, Tennessee state (Republic). As such, **I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES and its affiliate [federal corporate sub-entity] STATE Tribunals/courts.**

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent Peoples of America have been transmogrified into little more than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to a clearer understanding of what has happened to America's freedom while we (and

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[1] "Latin 'Now for then' A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e., with the same effect as if regularly done," *Black's Law Dictionary,* 5th Edition.

[2] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." *Black's Law Dictionary*, 5th Edition.

[3] To be completely clear, I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art IV Section 4) and not a citizen or subject of the Legislative Democracy of the U.S. Federal government.

our forebears) were all "asleep," I must lodge my complaint and this ACTUAL NOTICE of *Declaration* in the only peaceful way I know how: serve OFFICIAL NOTICE upon the Chief Executive [federal corporate sub-entity] STATE Officer – that would be you, Mr. Sundquist – that the newly discovered fraud which has for decades been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, *ab initio*[4], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, *nunc pro tunc*, which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

To clarify which UNITED STATES I am expatriating from, I submit the following:

* * *

[4] *Latin* From the beginning

B-121

Anita Jean Vedder
Without Prejudice, UCC 1-207
In Care of 1000 Kilgrow Court
Smyrna, Tennessee
37167-5967

February 17, 2004

Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Ave. NW
Washington, DC 20530-0001
202-353-1555

Attn: John D. Ashcroft, Attorney General, US Department of Justice of the [corporate] UNITED STATES

RE: Notice of Declaration of True Citizenship and Non-juristic Status.

Hand Delivered On March 15, 2004 at the address shown above

Greetings, Mr. Attorney General:

You are hereby SERVED with the attached thirty-six (36) page "Declaration of True Citizenship and Non-juristic Status," hereinafter referred to as "Declaration," by and for Anita Jean Vedder. This Declaration now serves as FORMAL and ACTUAL NOTICE to the statutorily designated officer of the [corporate] UNITED STATES[1], of my True Citizenship and Non-juristic Status, nunc pro tunc[2],

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[1] The term "UNITED STATES" (within this document) when spelled in all UPPERCASE letters refers to the de facto [corporate] United States with jurisdiction only in Washington, D.C. and the Territories.

[2] "Latin, 'Now for then'. A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect; i.e,

(Continued on following page)

which I now claim and assert pursuant to the recent exposure and vitiation of the fraudulent contracts and indentures which have been unlawfully thrust upon me for years (without full disclosure and without my knowledge and consent) by the [corporate] UNITED STATES government in an attempt by said government to make me an incompetent "child of the STATE". This document completely and unequivocally establishes me, Anita Jean Vedder, as a Sui juris[3] American Citizen/National (state Citizen)[4] in the Republic of the freely associated united States, and in particular, the Tennessee state (Republic). As such, I am NOT an artificial/fictitious/juristic person within the jurisdiction of the UNITED STATES[5] and its affiliate [federal corporate sub-entity] STATES.

Over the past 160 years or so, a sinister malfeasance of incredible proportion has taken place in America – the net result of which is that the once free and independent American people have been transmogrified into little more

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with the same effect as if regularly done". Black's Law Dictionary 5th Edition

[3] "Of his own right; possessing full social and civil right; not under any legal disability, or the power of another, or guardianship." Black's Law Dictionary, 5th Edition.

[4] The term Citizen as used throughout this Declaration has the meaning of a living man (Female) who is "One of the sovereign people. A constituent member of the sovereignty synonymous with the people. Scott v. Sandford, 19 How. 404, 15 L. Ed. 691" Black's Law Dictionary 3rd Edition. I am an unencumbered Citizen within the Republic (as guaranteed by the Constitution; Art. IV, Section 4) and NOT a 14th Amendment citizen or subject of the Legislative Democracy of the U.S. Federal government.

[5] The Jurisdiction of the UNITED STATES is limited to Washington, D.C. and the Territories (see Art. I, Section 8, Clause 17 of the Constitution for the United States).

than indentured tax slaves of the *de facto* [corporate] UNITED STATES federal government.

Having recently come to an understanding of what has happened to America's freedom while we (and our forebears) were all "asleep," I must lodge my complaint and this FORMAL and ACTUAL NOTICE of Declaration in the only peaceful way I know how: to serve OFFICIAL NOTICE upon the statutory [corporate] UNITED STATES Officer, pursuant to 8 USCA § 1481 (6), – under martial rule, that would be you, Sir, – that the newly discovered fraud which has for years been perpetrated against me in the form of undisclosed contracts and indentures are hereby vitiated, ab initio[6], for fraud, and that I am hereby and forthwith separated from the *de facto* [corporate] UNITED STATES federal citizenship, nunc pro tunc[7], which citizenship was unlawfully thrust upon me by those who perpetuated a grievous fraud against me – without my knowledge or consent.

* * *

[6] Latin From the beginning.

[7] Ibid 2.

AFFIDAVIT OF SERVICE

BE IT KNOWN BY ALL THOSE CONCERNED:

That, in the absence of signature and due to the unwillingness of the Department of Justice personnel involved to sign or attest to receipt of prior AFFIDAVIT OF SERVICE, on March 15, 2004, *Anita Jean Vedder, in propria persona*, did present to the designated officer of the UNITED STATES Attorney General, John D. Ashcroft, on March 15, 2004, in Washington, DC at 1331 Pennsylvania Avenue, NW, Room 520N, between 1:45 and 2:13 PM, her Declaration of True Citizenship and Non-Juristic Status, personally attended and witnessed by me, according to 8 USCA § 1461(6), whose officer provided his contact information as follows and attached:

Barry C. Hansen
Attorney Advisor
DOJ/JMD/OGC
Office of General Counsel
US Department of Justice
1331 Pennsylvania Avenue, NW
Suite 520 N
Washington, DC 20004
(202) 514-3452

PERSONALLY WITNESSED BY ME

/s/ Austa M. White
Austa Marie White

/s/ Donald E. White
Donald Eugene White

Certificate of Notarial Service

Before me did the above witnesses appear, this 16th day of march, 2004, and affirm that the events truthfully occurred as described above, in Washington, DC yesterday, March 15, 2004, and that each was a personal witness to the same

described events of the presentation of said document, Declaration of True Citizenship and Non-juristic Status.

/s/ Kimberly S. Ingram
NOTARY Seal:

My Commission expires: May 29, 2005

[Handwritten On Yellow Legal Pad By Barry C. Hansen.]

Barry C. Hansen
Attorney Advisor
DOJ/JMD/OGC
1331 Pennsylvania Ave., NW
Suite 520N
Washington, DC 20004
(202) 517-3452

Smyrna Post Office
SMYRNA, Tennessee
371679998
4761480167-0098

03/17/2004 (800) 275-8777 03:40:06 PM
Sales Receipt

Product Description	Sale Qty	Unit Price	Final Price
NASHVILLE TN 37203			$1.52
First-Class			
		Issue PVI:	$1.52
WASHINGTON DC 20530			$1.75
First-Class			
Return Receipt		[John D. Ashcroft	$1.75
Certified		Backup]	$2.30
		Label Serial #: 70032260000404638090	
		Issue PVI:	$5.80
Total:			$7.32

Paid by:
Visa $7.32

Account #	Exp.
XXXXXXXXXXXX0459	08/06
Approval #:	867057
Transaction #:	143
23 903580249	

Bill#: 1000201387817
Clerk: 02

— All sales are final on stamps and postage. —
Refunds for guaranteed services only.
Thank you for your business.
Customer Copy

In rem: Notice of default August 25, 2004

Without Prejudice, UCC § 1-207
In Care of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]

Anita J. Vedder, *in propria personna*
repatriated Sovereign Petitioner, pursuant to 8 USC § 1481(a)(6)

Against

UNITED STATES, INC.
STATE OF TENNESSEE, INC.
CITY OF SMYRNA, INC.
COUNTY OF RUTHERFORD, INC.
SMYRNA MUNICIPAL COURT, INC.

STUART FRISCH
GENERAL COUNSEL
UNITED STATES DEPARTMENT OF JUSTICE
JUSTICE MANAGEMENT DIVISION
NATIONAL PLACE BUILDING – SUITE 520-N
1331 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20530

Respondent /

PETITION FOR DEFAULT

NOTICE OF DEFAULT

One, Anita J. Vedder, petitions for entry of default by the Notary against respondent, STUART FRISCH, GENERAL COUNSEL, UNITED STATES DEPARTMENT OF JUSTICE, the statutorily designated officer of the ATTORNEY GENERAL, JOHN D. ASHCROFT, to

whom perfected repatriation documents were presented in person in Washington, D.C. on March 15, 2004.

For respondent's failure to rebut petitioner's *"Declaration of True Citizenship and Non-Juristic Status", filed on the 15th day of March, 2004, wherein this petitioner demanded a rebuttal by Affidavit, within 20 days of receipt of the "Declaration of True Citizenship and Non-Juristic Status".*

The respondent has instituted no rebuttal by Affidavit; therefore the respondent has acquiesced and is in statutory default. This Default Notice shall evidence that Anita J. Vedder is correct in her analysis of the law and other inquiries contained therein.

By this Default Notice, the respondent is estopped from any further action against the Natural Human Person of the Petitioner and is without judicial standing, as no controversy in law or material fact between the two parties exist.

Anita J. Vedder, Petitioner
Repatriated Sovereign,
8 USC § 1481(a)(6)

Without Prejudice, UCC § 1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of
Tennessee
Postal Zone [37167-5967]
(615) 337-7008

DEFAULT

Default is entered in this action against the Respondent named in the foregoing petition for failure to serve or file any paper as required by law.

/s/ Stephanie R. Hall
STEPHANIE R. HALL
Notary Public
463 SAM RIDLEY PARKWAY
SMYRNA, TN 37167

Dated on: August 25, 2004 Seal:

My Commission Expires: September 22, 2007

CERTIFICATE OF SERVICE

One, Anita J. Vedder, hereby certifies that a true and correct copy of the Petition for default and Default was served by Certified Mail, by the United States Postal Service on August 25, 2004 to:

STUART FRISCH CMRR #7003-1680-0000-5143-1276
GENERAL COUNSEL
UNITED STATES DEPARTMENT OF JUSTICE
JUSTICE MANAGEMENT DIVISION
NATIONAL PLACE BUILDING – SUITE 420-N
1331 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20530

Further, To Be Hand Delivered in Washington, DC on August 30, 2004

and

James K. Vines, US Attorney,
6th UNITED STATES DISTRICT COURT
FOR MIDDLE TENNESSEE
110 Ninth Avenue, South
Suite A961
Nashville, TN 37203

CMRR #7003-1680-0000-5143-1283

/s/ Anita J. Vedder
Anita J. Vedder, *in propria persona*,
Repatriated Sovereign, 8 USC §1481(a)(6)

Rutherford County, 6th JUDICIAL
Circuit Court of Middle District of Tennessee

Anita J. Vedder, a sovereign American citizen Plaintiff v. NORTH AMERICAN MORTGAGE COMPANY, and NORTH AMERICAN MORTGAGE COMPANY, a division of WASHINGTON MUTUAL BANK, FA and HOMESIDE LENDING, a division of WASHINGTON MUTUAL BANK, FA and WASHINGTON MUTUAL BANK, FA and WASHINGTON MUTUAL, Inc, the parent, and KERRY K. KILLINGER, d/b/a CHAIRMAN, CHIEF EXECUTIVE OFFICER AND PRESIDENT and Kerry K. Killinger, in his private capacity DEFENDANTS AND Respondent	)	SS Case # 47825

COMPLAINT: MOTION TO RATIFY AND ENFORCE ALL STIPULATIONS TO AGREEMENTS, CREATED BY AND RESULTING FROM DEFENDANTS' BREACH OF CONTRACT INCLUDING CERTIFICATE OF NOTARIAL PROTEST, WITH ALL CIVIL AND CRIMINAL PENALTIES ALLOWED BY LAW ENFORCED

(Filed Feb. 6, 2003)

* * *

NOTE

JULY 05, 1999 (Date) NASHVILLE (City) TENNESSEE (State)

1000 KILGROW COURT, SMYRNA, TN 37187
(Property Address)

1. BORROWER'S PROMISE TO PAY

In return for a loan that I have received, I promise to pay U.S. $97,800.00 (this amount is called "principal"), plus interest, to the order of the Lender. The Lender is NORTH AMERICAN MORTGAGE COMPANY. I understand that the Lender may transfer this Note. This Lender or anyone who takes this Note by transfer and who is entitled to receive payments under this Note is called the "Note Holder."

2. INTEREST

Interest will be charged on unpaid principal until the full amount of principal has been paid. I will pay interest at a yearly rate of 7.500%.

The interest rate required by this Section 2 is the rate I will pay both before and after any default described in Section 6(B) of this Note.

3. PAYMENTS

(A) Time and Place of Payments

I will pay principal and interest by making payments every month.

I will make my monthly payments on the 1ST day of each month beginning on SEPTEMBER 01, 1999. I will make these payments every month until I have paid all of the principal and interest and any other charges described below that I may owe under this Note. My monthly payments will be applied to interest before principal. If, on AUGUST 01, 2029, I still owe amounts under this Note, I will pay those amounts in full on that date, which is called the "Maturity Date."

I will make my monthly payments at 3883 AIRWAY DRIVE, SANTA ROSA, CA 95403 or at a different place if required by the Note Holder.

(B) Amount of Monthly payments

My monthly payment will be in the amount of U.S. $582.44.

4. BORROWER'S RIGHT TO PREPAY

I have the right to make payments of principal at any time before they are due. A payment of principal only is known as a "prepayment." When I make a prepayment, I will tell the Note Holder in writing that I am doing so.

I may make a full prepayment or partial prepayments without paying any prepayment charge. The Note Holder will use all of my prepayments to reduce the amount of principal that I owe under this Note. If I make a partial prepayment, there will be no changes in the due date or in the amount of my monthly payment unless the Note Holder agrees in writing to those changes.

5. LOAN CHARGES

If a law, which applies to this loan and which sets maximum loan charges, is finally interpreted so that the interest or other loan charges collected or to be collected in connection with this loan exceed the permitted limits, then: (i) any such loan charge shall be reduced by the amount necessary to reduce the charge to the permitted limit; and (ii) any sums already collected from me which exceeded permitted limits will be refunded to me. The Note Holder may choose to make this refund by reducing the principal I owe under this Note or by making a direct payment to me. If a refund reduces principal, the reduction will be treated as a partial prepayment.

6. BORROWER'S FAILURE TO PAY AS REQUIRED

(A) Late Charge for Overdue Payments

If the Note Holder has not received the full amount of any monthly payment by the end of 15 calendar days after the date it is due, I will pay a late charge to the Note Holder. The amount of the charge will be 5.0% of my overdue payment of principal and interest. I will pay this late charge promptly but only once on each late payment.

(B) Default

If I do not pay the full amount of each monthly payment on the date it is due, I will be in default.

(C) Notice of Default

If I am in default, the Note Holder may send me a written notice telling me that if I do not pay the overdue amount by a certain date, the Note Holder may require me

to pay immediately the full amount of principal which has not been paid and all the interest that I owe on that amount. That date must be at least 30 days after the date on which the notice is delivered or mailed to me.

(D) No Waiver By Note Holder

Even if, at a time when I am in default, the Note Holder does not require me to pay immediately in full as described above, the Note Holder will still have the right to do so if I am in default at a later time.

(E) Payment of Note Holder's Costs and Expenses

If the Note Holder has required me to pay immediately in full as described above, the Note Holder will have the right to be paid back by me for all of its costs and expenses in enforcing this Note to the extent not prohibited by applicable law. Those expenses include, for example, reasonable attorneys' fees.

7. GIVING OF NOTICES

Unless applicable law requires a different method, any notice that must be given to me under this Note will be given by delivering it or by mailing it by first class mail to me at the Property Address above or at a different address if I give the Note Holder a notice of my different address.

Any notice that must be given to the Note Holder under this Note will be given by mailing it by first class mail to the Note Holder at the address stated in Section 3(A) above or at a different address if I am given a notice of that different address.

8. OBLIGATIONS OF PERSONS UNDER THIS NOTE

If more than one person signs this Note, each person is fully and personally obligated to keep all of the promises made in this Note, including the promise to pay the full amount owed. Any person who is a guarantor, surety or endorser of this Note is also obligated to do these things. Any person who takes over these obligations, including the obligations of a guarantor, surety or endorser of this Note, is also obligated to keep all of the promises made in this Note. The Note Holder may enforce its rights under this Note against each person individually or against all of us together. This means that any one of us may be required to pay all of the amounts owed under this Note.

9. WAIVERS

I and any other person who has obligations under this Note waive the rights of presentment and notice of dishonor. "Presentment" means the right to require the Note Holder to demand payment of amounts due. "Notice of dishonor" means the right to require the Note Holder to give notice to other persons that amounts due have not been paid.

10. UNIFORM SECURED NOTE

This Note is a uniform instrument with limited variations in some jurisdictions. In addition to the protections given to the Note Holder under this Note, a Mortgage, Deed of Trust or Security Deed (the "Security Instrument"), dated the same date as this Note, protects the Note Holder from possible losses which might result if I do not keep the promises which I make in this Note. That Security Instrument describes how and under what

conditions I may be required to make immediate payment in full of all amounts I owe under this Note. Some of those conditions are described as follows:

> Transfer of the Property or a Beneficial Interest in Borrower. If all or any part of the Property or any interest in it is sole or transferred (or if a beneficial interest in Borrower is sold or transferred and Borrower is not a natural person) without Lender's prior written consent, Lender may, at its option, require immediate payment in full of all sums secured by this Security Instrument. However, this option shall not be exercised by Lender if exercise is prohibited by federal law as of the date of this Security Instrument.
>
> If Lender exercises this option, Lender shall give Borrower notice of acceleration. The notice shall provide a period of not less than 30 days from the date the notice is delivered or mailed within which Borrower must pay all sums secured by this Security Instrument. If Borrower fails to pay these sums prior to the expiration of this period, Lender may invoke any remedies permitted by this Security Instrument without further notice or demand on Borrower.

WITNESS THE HAND(S) AND SEAL(S) OF THE UNDERSIGNED.

/s/ Anita J. Vedder (Seal) _____ (Seal)
-Borrower -Borrower

ANITA J. VEDDER
SSN: 106-32-4114 SSN:

_____ (Seal) _____ (Seal)
-Borrower -Borrower

SSN: SSN:

WITHOUT RECOURSE, PAY TO
THE ORDER OF

NORTH AMERICAN MORTGAGE COMPANY

By /s/ Liz Papke
LIZ PAPKE, VICE PRESIDENT

IN THE CHANCERY COURT FOR RUTHERFORD COUNTY, TENNESSEE AT MURFREESBORO

WASHINGTON MUTUAL BANK, FA,	)	
Plaintiff,	)	
v.	)	
ANITA J. VEDDER, and a/k/a ANITA JEAN VEDDER and ANITA J. VEDDER, TRUSTEE,	)	**No. 04-7947MI**
Defendant.	)	

COMPLAINT TO REFORM DEED OF TRUST AND FOR DECLARATORY RELIEF

(Filed Jan. 21, 2004)

COMES NOW the plaintiff, Washington Mutual Bank, FA (hereinafter referred to as "Plaintiff"), would most respectfully show unto the Court as follow:

1. This action concerns certain real property located at 1000 Kilgrow Court, Smyrna, Rutherford County, Tennessee (hereinafter referred to as the "Property") and a deed of trust securing a loan made by the predecessor to the Plaintiff to the owner, Anita J. Vedder, Trustee of the Anita J. Vedder Revocable Living Trust Agreement dated June 5, 1996. By merger North American Mortgage Co. was purchased by Plaintiff and it acquired all right, title and interest of North American Mortgage Co. through such merger (see Exhibit "A").

I. JURISDICTION

2. Plaintiff, Washington Mutual Bank, FA, is a for-profit organization licensed to do business in the State of Tennessee.

3. Defendant, Anita J. Vedder and Anita J. Vedder, Trustee, one and the same person, is a resident of Smyrna, Rutherford County, Tennessee, living in the subject property.

4. On July 5, 1999, Antia J. Vedder executed a deed of trust to secure to North American Mortgage Co. a certain promissory note evidencing a loan to Vedder in the amount of

* * *

Anita J. Vedder
Without Prejudice, UCC §1-207
In Care Of 1000 Kilgrow Court
Smyrna, Republic state of Tennessee
Postal Zone [37167-5967]

Friday, July 30, 2004

CHANCERY COURT OF RUTHERFORD COUNTY
JOHN BRATCHER, CLERK
ROOM 302 JUDICIAL BUILDING
20 PUBLIC SQUARE, NORTH
MURFREESBORO, TENNESSEE 37130

In Re: WASHINGTON MUTUAL BANK, FA V.
ANITA J. VEDDER Tennessee Court of Appeals,
Case # M2004-01502-COA-R3-CV
Docket # 04-7947MI Due: July 15, 2004
(in the amount of) $238.50

Greetings, Mr. Bratcher:

I have received your notice postmarked July 19, 2004 on July 28, inasmuch as I have been traveling out of town since July 15.

I am contacting you in regard to this matter inasmuch as the computerized print-out is hand-stamped in a square box, "THIS IS THE ONLY STATEMENT YOU WILL RECEIVE BEFORE EXECUTION".

I would like to point out to you that this matter has been on appeal before the Tennessee Court of Appeals, Case # M2004-01502-COA-R3-CV, since June 09, 2004 when Notice of Appeal was timely filed in your office.

Receipt of this notice prompts me to inquire whether or not you have *yet* received from Attorney General Paul G. Summers a determination on the status of the lawful money which I tendered for, and in payment of the appeal

bond, pursuant to Article 1, §10 of the US Constitution. I have heard nothing to that effect from your office and, therefore, am puzzled by the presence of the hand-stamp.

Please advise me in writing and provide me with a copy of the Attorney General's determination as soon as practical. I will assume and presume that this was an oversight on your part, or that of a clerical error made by one or another of the clerks whom you supervise and that no such "execution" shall occur under these circumstances.

Thanking you in advance, I look forward to hearing from you soon.

Sincerely yours,

/s/ Anita J. Vedder
Anita J. Vedder

B-143

IN THE COURT OF APPEALS OF TENNESSEE
AT NASHVILLE
November 5, 2004 Session

ANITA J. VEDDER v.
NORTH AMERICAN MORTGAGE CO., ET AL.

Appeal from the Circuit Court for Rutherford County
No. 47825 Robert E. Corlew, III, Chancellor

No. M2003-01682-COA-R3-CV

(Filed Nov. 30, 2004)

This case involves a homeowner who defaulted on her home mortgage. After the holder of the note commenced foreclosure proceedings, the homeowner filed suit in the Circuit Court for Rutherford County asserting numerous claims against the original mortgagee, the subsequent purchasers of the note, and an executive employed by one of the subsequent purchasers. The trial court granted the defendants' motion to dismiss the homeowner's complaint for failure to state a claim upon which relief could be granted, The homeowner appealed and, while the appeal was pending, requested the trial court to vacate its earlier decision for lack of subject matter jurisdiction. The trial court denied the homeowner's motion. We now affirm both of the trial court's decisions.

Tenn. R. App. P. 3 Appeal as of Right;
Judgment of the Circuit Court Affirmed

WILLIAM C. KOCH, JR., P.J., M.S., delivered the opinion of the court, in which HERSCHEL P. FRANKS, P.J., and FRANK G. CLEMENT, JR., J., joined.

Anita J. Vedder, Smyrna, Tennessee, Pro Se.

J. Graham Matherne and Andrew J. Pulliam, Nashville, Tennessee, for the appellees, North American Mortgage Co., Washington Mutual, Inc., Washington Mutual Bank, FA, Homeside Lending, and Kerry K. Killinger.

MEMORANDUM OPINION[1]

On July 5, 1999, Anita J. Vedder purchased a residential property at 1000 Kilgrow Court in Smyrna, Tennessee using a $97,600 mortgage loan from North American Mortgage Co. ("North American"). Ms. Vedder signed a note in which she promised to repay North American the $97,000 plus interest. This note was secured by a deed of trust. It also contained a provision permitting North American to transfer the note and deed of trust.[2] North American subsequently transferred the note and the deed of trust, and in August 2002, Homeside Lending owned the note and deed of trust. Ms. Vedder did not make her monthly mortgage payment in August 2002, apparently because she believed that the transfers of the note and deed of trust somehow extinguished her obligation to pay the balance of her mortgage loan. Homeside Lending

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[1] Tenn. Ct. App. R. 10 provides:

> This Court, with the concurrence of all judges participating in the case, may affirm, reverse or modify the actions of the trial court by memorandum opinion when a formal opinion would have no precedential value. When a case is decided by memorandum opinion it shall be designated "MEMORANDUM OPINION," shall not be published, and shall not be cited or relied on for any reason in any unrelated case.

[2] The note stated explicitly that "I understand that the Lender may transfer this Note."

determined that Ms. Vedder was in default and commenced foreclosure proceedings.

On February 6, 2003, Ms. Vedder filed a pro se complaint against North American, Homeside Lending, Washington Mutual Bank, F.A.,[3] and others in the Rutherford County Circuit Court. Ms. Vedder asserted numerous claims under state and federal law including breach of contract, failure of consideration, non-disclosure and misrepresentation of material facts, theft by false pretext, ratification and enforcement of administrative agreements, civil violations of the Fair Credit Reporting Act, 15 U.S.C.A. §§ 1681-1681x (1998 & Supp. 2004), and the Fair Debt Collection Practices Act, 15 U.S.C.A. §§ 1692-1692o (1998), and civil and criminal violations of the Truth in Lending Act, 15 U.S.C.A. §§ 1601-1667f (1998 & Supp. 2004), Although Ms. Vedder's complaint is far from clear, the factual predicate for most of her claims appears to be her belief that North American could not legally transfer the note, that North American's agents acted outside the scope of their corporate authority in making the loan to her in the first place, and that she is therefore no longer required to make her monthly mortgage payments.

The defendants moved to dismiss Ms. Vedder's complaint under Tenn. R. Civ. P. 12.02(6). The trial court carefully examined Ms. Vedder's eight causes of action and found that each failed to state a claim upon which relief could be granted. Thus, in a May 28, 2003 letter to the parties and a June 11, 2003 order, the court dismissed Ms.

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[3] By this time, both North American and HomesideLending were part of Washington Mutual Bank, and Washington National Bank was the holder of Ms. Vedder's note and deed of trust.

Vedder's complaint with prejudice. Ms. Vedder filed a notice of appeal. While the appeal was pending, Ms. Vedder filed a document in the trial court styled as follows: "Verified Petition to Vacate a Void Judgment and Direct Attack." In this document, Ms. Vedder argued that the June 11, 2003 order was void because the trial court lacked subject matter jurisdiction over the case. In a December 2, 2003 letter to the parties and a December 16, 2003 order, the trial court denied Ms. Vedder's petition.

On this appeal, Ms. Vedder continues to press her jurisdictional attack on the trial court's orders. Her arguments on this point bear little, if any, resemblance to recognized legal theories.[4] However, Ms. Vedder is proceeding as a pro se litigant in this case. Accordingly, in recognition that many pro se litigants lack legal training and are unfamiliar with the work of the courts,[5] we will give her a certain amount of leeway in the preparation of her briefs

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[4] Ms. Vedder's lengthy briefs on appeal, like many of her filings in the trial court, are difficult to follow. Although she employs legal terminology, she often does so in an incoherent and nonsensical manner. For example, her opening brief on appeal contains the following passage in a section entitled "JUDICIAL NOTICE":

> **FURTHER** THAT, Anita J. Vedder ***IS NOT*** a trustee of the UNITED STATES BANKRUPTCY, as provided by the EMERGENCY BANKING ACT OF MARCH 9, 1933, nunc pro tunc, that Anita J. Vedder's name has been copyrighted for TRUTH IN COMMERCE AND CONTRACT TORT WAIVER with significant silver specie penalties in place for misuse, nunc pro tunc, to April 08, 1941, that she has power of attorney over her strawman on file with the State of Tennessee Secretary of State and Rutherford County Register of Deeds and that this matter proceeds with a prior reservation of right as provided by UCC at 1-207.

[5] *Irvin v. City of Clarksville*, 767 S.W.2d 649, 652 (Tenn. Ct. App. 1988).

and legal arguments, *Whitaker v. Whirlpool Corp.*, 32 S.W.3d 222, 227 (Tenn. Ct. App. 2000); *Paehler v. Union Planters Nat'l Bank Inc.*, 971 S.W.2d 393, 397 (Tenn. Ct. App. 1997), and we will measure her papers using less stringent standards that those applied to papers prepared by lawyers. *Hughes v. Rowe,* 449 U.S. 5, 9-10, 101 S. Ct. 173, 176 (1980); *Baxter v. Rose*, 523 S.W.2d 930, 939 (Tenn. 1975); *Winchester v. Little,* 996 S.W.2d 818, 824 (Tenn. Ct. App. 1998). We will not, however, excuse her from complying with the same substantive and procedural rules that represented parties are expected to observe. *Edmundson v. Pratt,* 945 S.W.2d 754, 755 (Tenn. Ct. App.1996); *Kaylor v. Bradley,* 912 S.W.2d 728, 733 n.4 (Tenn. Ct. App. 1995).

Regardless of the amount of leeway we give, Ms. Vedder's jurisdictional arguments remain difficult to follow. Her claims most closely resemble the following legal arguments: (1) state courts have no jurisdiction over her claims because her claims are based on federal law; (2) the federal statutes on which her claims are based provide for exclusive jurisdiction in the federal courts; and (3) the trial court did not have the authority to adjudicate her claims because they arose at law rather than in equity. Each of these arguments is flawed.

First, state courts retain concurrent jurisdiction with the federal courts over claims arising under federal law unless the United States Congress has withdrawn that jurisdiction with respect to a particular claim. *Tafflin v. Levitt,* 493 U.S. 455, 458-460, 110 S. Ct. 792, 795 (1990). Second, the federal statutes relied on by Ms. Vedder explicitly provide for state court jurisdiction over claims arising under those acts. 15 U.S.C.A. § 1681p (Fair Credit Reporting Act); 15 U.S.C.A. § 1692k(d) (Fair Debt Collection Practices Act); 15 U.S.C.A. § 1640(e) (Truth in Lending

Act). Third, in researching her case, Ms. Vedder has apparently overlooked Tenn. Code Ann. § 16-11-102 (1994), which gives the chancery courts concurrent jurisdiction with the circuit courts over all civil causes of action subject to certain exceptions not applicable here. Accordingly, we affirm the trial court's rejection of Ms. Vedder's jurisdictional challenge.

We also agree with the trial court's conclusion that Ms. Vedder's complaint failed to state a claim upon which relief could be granted. The sole purpose of a Tenn. R. Civ. P. 12.02(6) motion is to test the sufficiency of the complaint, not the strength of the plaintiffs evidence. *Doe v. Sundquist,* 2 S.W.3d 919, 922 (Tenn. 1999); *Bell ex rel. Snyder v. Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.*, 986 S.W.2d 550, 554 (Tenn. 1999). It requires the courts to review the complaint alone, *Daniel v. Hardin County Gen. Hosp.,* 971 S.W.2d 21, 23 (Tenn. Ct. App. 1997), and to look to the complaint's substance rather than its form. *Kaylor v. Bradley*, 912 S.W.2d at 731. Dismissal under Tenn. R. Civ. P. 12.02(6) is warranted when the alleged facts will not entitle the plaintiff to relief or when the complaint is totally lacking in clarity and specificity. *Dobbs v. Guenther*, 846 S.W.2d 270, 273 (Tenn. Ct. App. 1992).

On appeal from an order granting a Tenn. R. Civ. P. 12.02(6) motion, we must presume that the factual allegations in the complaint are true, and we must review the trial court's legal conclusions regarding the adequacy of the complaint without a presumption of correctness. *Bell ex rel. Snyder v. Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A.*, 986 S.W.2d at 554; *Stein v. Davidson Hotel Co.*, 945 S.W.2d 714, 716 (Tenn. 1997). Having independently reviewed Ms. Vedder's complaint, we concur with the

trial court's conclusion that it fails to state a claim upon which relief can be granted. Accordingly, the trial court did not err in granting the defendants' Tenn. R. Civ. P. 12.02(6) motion and in dismissing Ms. Vedder's complaint with prejudice.

We affirm the orders dismissing Ms. Vedder's complaint and denying her post-trial petition and remand the case to the trial court for further proceedings consistent with this opinion. We also tax the costs of this appeal to Anita J. Vedder for which execution, if necessary, may issue.

/s/ William C. Koch
WILLIAM C. KOCH, JR., P.J., M.S.

CIVIL WARRANT

State of Tennessee, County of Rutherford

To Any Lawful Officer to Execute and Return:

Summon Anita J. Vedder (or Occupants) to appear before the Court of General Sessions of Rutherford County, Tennessee, to be held at the Courtrooms of said Court in said County on the 13th day of May, 2005, at 9 A M., then and there to answer in a civil action brought by Federal National Mortgage Assoc. for 1000 Kilgrow Court Smyrna, TN 37167

Please post after third attempt!!!

Under possession only Dollars

This the 18 day of April, 2005.

ELOISE GAITHER, Clerk of
Court of General Sessions

JUDGMENT By /s/ Tammy Albertson Deputy Clerk.

JUDGMENT

Judgment by: ____ Default ____ Non-suit without prejudice

____ Trial ____ Dismiss Failure to Prosecute

____ Agreement ____ Dismiss on Merits

Judgment for the _____ against the _____ for $ _____ dollars and cost of suit, for which Execution may issue. Post judgment is ordered at ____%. This ordered the _____ day of _____, 20___.

Judge of Court of General Sessions

NOTICE

TO THE DEFENDANT(S):
Tennessee law provides a four thousand dollar ($4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the clerk of the court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to filing of the list. Certain items are automatically exempt by law and do not need to be listed; these include items of necessary wearing apparel (clothing) for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

(24-5-107)
NOTICE TO DEFENDANT:
If the plaintiff or plaintiff's agent has attached an affidavit of correctness to this civil lawsuit, then you must file a sworn statement denying you owe the amount for which you have been sued. In the alternative, you may appear in court on the scheduled hearing date and orally deny the

account under oath and assert any defense or objection you may have.

I, _____, do solemnly swear that I am a resident of the State of Tennessee and that owing to my poverty, I am not able to bear the expense of the action which I am about to commence and that I am justly entitled to the relief sought, to the best of my belief.

_____

Sworn to and subscribed before me,

This the _____ day of _____20__

_____ Deputy Clerk.

No. CV-137712

Federal National
Mortgage Association
1587 NE Expressway
Atlanta, GA 30329
1-800-631-5131 x1567

Vs Plaintiff

Anita J. Vedder
(or Occupants)
1000 Kilgrow Court
Smyrna, TN 37167

Defendant.

B-153

CIVIL WARRANT

COURT OF GENERAL SESSIONS

Eloise Gaither, Clerk

/s/ Tammy Albertson

Deputy Clerk

Issued April 18, 20 05

Set for _____, 20 _____

At _____ A.M. in

ROOM 105 OR 10

of the Rutherford County Court Building

Reset _____

Reset _____

Reset _____

Reset _____

Came to hand same day as issued and executed as commanded on

_____

_____

_____

This _____ day of _____, 20___

_____

Deputy Sheriff

/s/ Lawrence W. Kelly Attorney for Plaintiff

Lawrence W. Kelly

019229 Attorney for Defendant

_____

IN THE UNITED STATES DISTRICT COURT
FOR THE SIXTH CIRCUIT
MIDDLE DISTRICT OF TENNESSEE
at NASHVILLE, TENNESSEE

IN ADMIRALTY:	)
Anita J. Vedder,	) Admiralty Action No.
in propria persona, Sui Juris	) 3:05-0239
Repatriated Plaintiff	) Judge:
	) William J. Haynes, Jr.
v.	)
	) *NOTICE OF APPEAL*
KERRY K. KILLINGER, et al	) (Filed Apr. 22, 2005)
DEFENDANTS	)
and Defendants	)

NOTICE OF APPEAL TO THE SIXTH CIRCUIT
UNITED STATES COURT OF APPEALS
at Cincinnati, Ohio
a COMMON LAW ARTICLE III PROCEEDING,
as permitted by
O'DONOGHUE v. UNITED STATES,
289 U.S. 516 (1933)

COMES NOW the Plaintiff to inform all Defendants that this matter is being appealed in the UNITED STATES COURT OF APPEALS, as a separate but related issue to Plaintiff's underlying Complaint now before the UNITED STATES SUPREME COURT in Washington, D.C.

This appeal will come on as an Article III proceeding in Admiralty.

Respectfully submitted,

All rights reserved,

/s/ Anita J. Vedder
Anita J. Vedder, ***in propria persona***
Repatriated Sovereign Defendant,
pursuant to 8 USC § 1481(a)(6)

Without prejudice,
In Care of 1000 Kilgrow Court
Smyrna,
Republic state of Tennessee
Postal Zone [37167-5967]
(615) 337-7008

September 13th, 2002
Certified Mail Receipt #7001-2510-0008-9443-6293

anita j vedder
1000 kilgrow court
smyrna, tennessee
[37167-5967]

Moss, Codilis, Stawiarski, Morris, Schneider & Prior, LLP
6560 Greenwood Plaza Blvd – Suite 550
Englewood, Colorado
80111-7100

RE: North American Mortgage Company,
a division of Washington Mutual Bank, FA
Account #5716947
Amount in Dispute: $ 1597.60

Dear Unnamed Sirs, collectively:

I am in receipt of your recent letter of September 11, 2002 demanding payment for an alleged debt regarding the above-mentioned account. However, the client you represent has failed to verify or validate this debt, despite multiple requests.

The above-mentioned account is currently pending resolution. As of this day North American Mortgage Company or Washington Mutual Bank, FA has failed to provide me with a written acknowledgment or a written explanation report following a reasonable investigation, and/or a production of documentation evidence.

Please be advised that the failure of North American Mortgage Company, and/or Washington Mutual Bank, FA to follow the dispute resolution procedures, effectively:

a) Relinquishes the right to collect any alleged debt on the account;

b) Exposes violators to potential liability for actual damages plus twice the amount of the finance charges;

c) Exposes violators to potential criminal liability for willful and knowing violation of the FCBA [sic] and other Truth in Lending provisions;

d) Risking potential judgments against you for civil and statutory damages.

In the event you are going to ignore the resolution procedures of the FCBA [sic], please take Notice that your claim is disputed under 15 USC § 1692 *et seq.*, which requires you to verify under oath that this claim is valid, free from any claims and defenses including but not limited to: any breach of agreement, failure of consideration or material alterations, and that the original lender provided value. Further, that the alleged account was transferred in good faith and by the consent of all parties involved.

I want to receive absolute assurance from North American Mortgage Company and Washington Mutual Bank, FA that they did not breach the agreement, and in order for me to handle this matter please confirm that you have read the alleged agreement, and you understand the bookkeeping entries, GAAP, banking laws, accounts receivables and deposits, the Federal Reserve bank's policy and procedures.

In addition please furnish me with a copy of your oath of office confirming you are not violating 15 USC §1692(e)3. Also, You must contact me in writing and request an extension in the event that you need more than thirty (30) days to verify and validate the debt. Failure to do so confirms that the time limit is reasonable.

NOTICE

THIS IS NOT A REQUEST FOR CONFIRMATION THAT YOU HAVE A COPY OF AN AGREEMENT OR COPIES OF STATEMENTS. THIS IS A DEMAND FOR PROOF THAT YOU HAVE THE REQUISITE KNOWLEDGE OF THE FACTS, AND THAT THE ALLEGED CREDITOR PROVIDED ADEQUATE CONSIDERATION AND INCURRED A FINANCIAL LOSS UNDER THE FULL & COMPLETE ORIGINAL AGREEMENT.

Sincerely,

anita j vedder

Preamble to the US Constitution
September 17, 1787

We the People of the United States,

1. **in Order to form a more perfect Union,**
2. **establish Justice, insure domestic Tranquility,**
3. **provide for the common defence,**
4. **promote the general Welfare, and**
5. **secure the Blessings of Liberty to ourselves**
6. **and our Posterity,**

do ordain and establish this Constitution for the United States of America.

Article III, Section 1 and 2 of the US Constitution, to wit,

> "Clause 1: The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; – to all Cases affecting Ambassadors, other public Ministers and Consuls; – to all Cases of admiralty and maritime Jurisdiction; – to Controversies to which the United States shall be a Party; – to Controversies between two or more States; – between a State and Citizens of another State; – between Citizens of different States, – between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.
>
> Clause 2: In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

TITLE 28 > PART IV > CHAPTER 81 > § 1254

> § 1254. Courts of appeals; certiorari; certified questions
>
> Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:
>
> > (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

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8 U.S.C., Aliens and Nationality, § 1481(a)(6) and (b), to wit:

"8 U.S.C. § 1481(a)(6) and (b)

Loss of nationality by native-born or naturalized citizen; voluntary action; burden of proof; presumptions

(a) A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality –

(6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense;

(b) Whenever the loss of United States nationality is put in issue in any action or proceeding commenced on or after September 26, 1961 under, or by virtue of, the provisions of this chapter or any other Act, the burden

shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence. Any person who commits or performs, or who has committed or performed, any act of expatriation under the provisions of this chapter or any other Act shall be presumed to have done so voluntarily, but such presumption may be rebutted upon a showing, by a preponderance of the evidence, that the act or acts committed or performed were not done voluntarily."

TITLE 28 > PART IV > CHAPTER 85 > § 1332

§ 1332. **Diversity of citizenship; amount in controversy; costs**

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs, and is between –

(1) citizens of different States;

(2) citizens of a State and citizens or subjects of a foreign state;

(3) citizens of different States and in which citizens or subjects of a foreign state are additional parties; and

(4) a foreign state, defined in section 1603(a) of this title, as plaintiff and citizens of a State or of different States.

For the purposes of this section, section 1335, and section 1441, an alien admitted to the United States

for permanent residence shall be deemed a citizen of the State in which such alien is domiciled.

(b) Except when express provision therefor is otherwise made in a statute of the United States, where the plaintiff who files the case originally in the Federal courts is finally adjudged to be entitled to recover less than the sum or value of $75,000, computed without regard to any setoff or counterclaim to which the defendant may be adjudged to be entitled, and exclusive of interest and costs, the district court may deny costs to the plaintiff and, in addition, may impose costs on the plaintiff.

(c) For the purposes of this section and section 1441 of this title –

(1) a corporation shall be deemed to be a citizen of any State by which it has been incorporated and of the State where it has its principal place of business, except that in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the State of which the insured is a citizen, as well as of any State by which the insurer has been incorporated and of the State where it has its principal place of business; and

(2) the legal representative of the estate of a decedent shall be deemed to be a citizen only of the same State as the decedent, and the legal representative of an infant or incompetent shall be deemed to be a citizen only of the same State as the infant or incompetent.

(d) The word "States", as used in this section, includes the Territories, the District of Columbia, and the Commonwealth of Puerto Rico.

Actions in rem require a court order, pursuant to TENNESSEE CODE

ANNOTATED 20-4-103. which clearly states, to wit:

> "T.C.A. 20-4-103. Actions in rem. In actions commenced by the attachment of property without personal service of process, and in cases where the suit is brought to obtain possession of personal property, or to enforce a lien or trust deed or mortgage, or where it relates to real property, the attachment may be sued out or suit brought in any county where the real property, or any portion of it, lies, or where any part of the personal property may be found."

Expatriation Act of July 27, 1868

CHAP. CCXLIX – An Act concerning the Rights of American Citizens in foreign States.

Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition of this principle, this government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendents, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed; Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any declaration, instruction, opinion, order, or decision of any officers of this government which denies, restricts, impairs, or questions the right of expatriation, is hereby declared inconsistent with the fundamental principles of this government.

Sec. 2. *And be it further enacted,* That all naturalized citizens of the United States, while in foreign states, shall be entitled to, and shall receive from this government, the same protection of persons and property that is accorded to native-born citizens in like situations and circumstances.

Sec. 3. And be it further enacted, That whenever it shall be made known to the President that any citizen of the United States has been unjustly deprived of his liberty by

or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons for such imprisonment, and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, it shall be the duty of the President to use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate such release, and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

Approved, July 27, 1868.

(2)

No. 04-1493

Supreme Court, U.S.
FILED
JUN 3 - 2005
OFFICE OF THE CLERK

In The Supreme Court of the United States

ANITA J. VEDDER, *et vir.*,

Petitioner,

v.

WASHINGTON MUTUAL BANK, *et al.*,

Respondents.

On Petition For Writ Of Certiorari To The United States Court Of Appeals For The Sixth Circuit

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QUESTION PRESENTED FOR REVIEW

The question presented for review is:

Whether the Court may exercise jurisdiction over Petitioner's case, which seeks to obtain review by the Court following the foreclosure of her mortgage, a) when no case or controversy has been heard or ruled upon regarding this matter by the United States Court of Appeals for the Sixth Circuit or the Tennessee Supreme Court, b) when Tennessee state courts have dismissed Petitioner's alleged claims with prejudice, c) when the United States District Court for the Middle District of Tennessee has dismissed a suit by Petitioner, which sought to vacate the Tennessee state court rulings, for lack of jurisdiction, and d) when Petitioner has only recently appealed the Middle District of Tennessee District Court's ruling to the Sixth Circuit Court of Appeals, where such case is presently pending?

CORPORATE DISCLOSURE

Pursuant to Supreme Court Rule 29.6, Respondent Washington Mutual Bank is a federally chartered savings association with its headquarters in Seattle, Washington. It is a wholly owned subsidiary of New American Capital, Inc., which is a wholly owned subsidiary of Washington Mutual, Inc. As of April 4, 2005, Washington Mutual Bank, FA changed its corporate title to Washington Mutual Bank. Although the corporate title changed, Washington Mutual Bank remained a federally chartered savings association.

Pursuant to Supreme Court Rule 29.6, Respondent Washington Mutual, Inc. is the parent holding company for a number of subsidiaries, including New American Capital, Inc. Washington Mutual, Inc. is a publicly traded company. There are no parent corporations or publicly held companies owning 10% or more of Washington Mutual, Inc.'s stock.

Pursuant to Supreme Court Rule 29.6, Respondent North American Mortgage Company no longer exists as a corporate entity. Washington Mutual Bank is the successor in interest to North American Mortgage Company.

Pursuant to Supreme Court Rule 29.6, Respondent HomeSide Lending no longer exists as a corporate entity. Washington Mutual Bank is the successor in interest to HomeSide Landing.

Pursuant to Supreme Court Rule 29.6, Respondent Shapiro & Kirsch, LLP is a Tennessee limited liability partnership. There are no parent corporations or publicly held companies owning 10% or more of Shapiro & Kirsch, LLP.

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STATEMENT OF THE CASE

The underlying dispute in this matter stems from Petitioner's default in the payments of her mortgage held by Washington Mutual Bank ("Washington Mutual"),[1] and Petitioner's subsequent efforts to stave off foreclosure through a fraudulent debt elimination scheme. The Washington Mutual Respondents (i.e., all Respondents except for Federal National Mortgage Association) recognize that their opposition to the Petition for Writ of Certiorari (the "Petition") is not the place for a lengthy discussion of the merits of the foreclosure matter. Nevertheless, the Court should note that the Petition is just one more filing in a series of frivolous and incomprehensible pleadings by Petitioner in abuse of the judicial process.

Petitioner's Statement of the Case is confusing, but reveals that her appeal is not ripe for review and that the Court does not have jurisdiction to hear this case. To analyze the jurisdictional issues, it is first necessary to understand the relationship between Petitioner and Respondent Washington Mutual and the convoluted litigation history between Petitioner and the Washington Mutual Respondents.

A. Petitioner's Default Regarding the Underlying Mortgage Transaction.

Petitioner purchased residential property at 1000 Kilgrow Court, Smyrna, Tennessee (the "Property"), on

[1] As of April 4, 2005, Washington Mutual Bank, FA changed its corporate title to Washington Mutual Bank. Although the corporate title changed, Washington Mutual remained a federally chartered savings association.

July 5, 1999, using a mortgage loan in the principal amount of $97,600.00. As expressly authorized by Petitioner in the Note she executed regarding the mortgage loan, and as is common regarding secured residential mortgage notes, the Note and Deed of Trust executed by Petitioner were assigned to subsequent purchasers. Respondent Washington Mutual is the present Note Holder and payee under the Note.

Petitioner, by her own admission, defaulted in her performance of the mortgage Note in August 2002 by failing to make the required payments under the Note. The foreclosure sale of Petitioner's Property was conducted on March 29, 2005. *See* Petition at 12. Eviction proceedings followed the foreclosure, and Petitioner vacated the Property on May 19, 2005.

B. Prior Litigation Proceedings.

Petitioner filed her first action *pro se* on August 9, 2002 in the Circuit Court in Rutherford County, Tennessee ("Tennessee Circuit Court") against "Respondent David Riedel, d/b/a North American Mortgage Company, Washington Mutual, FA." Mr. Riedel, who was employed by Washington Mutual Bank, FA, but who resided in California, filed a motion to dismiss on September 9, 2002, asserting that the state court lacked personal jurisdiction over him. The Tennessee Circuit Court dismissed the Petitioner's suit due to lack of personal jurisdiction over Mr. Riedel on October 1, 2002.

Petitioner filed suit for the second time on February 6, 2003, again *pro se* and again in the Tennessee Circuit Court in Rutherford County, Tennessee. This time she sued Washington Mutual Bank, FA, Washington Mutual

Bank, Inc., North American Mortgage Company, Homeside Lending, and Kerry Killinger (who is Washington Mutual Bank's Chairman, President, and CEO) (the "State Court Defendants"). Petitioner styled her complaint in that case ("State Complaint") as "Complaint: Motion to Ratify and Enforce All Stipulations To Agreements, Created By and Resulting From Defendants' Breach of Contract Including Certificate of Notarial Protest, With *All* Civil and Criminal Penalties Allowed By Law Enforced." Petitioner asserted the following eight alleged causes of action against the State Court Defendants:

1. ***"BREACH OF CONTRACT: Absence of DEFENDANTS' "Good Faith", Lack of Consideration, Conversion of a Promissory Note into a Draft Instrument, made payable to themselves, DEFENDANTS and Transfer Of Petitioner's Asset to the Credit of DEFENDANTS."***

2. ***"FRAUD in the INDUCEMENT: Non-Disclosure and Misrepresentation of Material Facts: use of an altered negotiable instrument to raise additional assets for themselves, false Good Faith Estimate and false loan disclosures made to Petitioner where no loan existed, failure to provide Petitioner with required documents at closing and usury."***

3. ***"FRAUD in Various Forms: Forgery: by unilaterally modifying a two-party contract without disclosure or permission by assigning the note with alteration to a third party who was not party to the original note in violation of UCC Article 3 Negotiable Instruments § 3-203 and***

fraud; theft by false pretext, theft of services and theft by deception."

4. ***"Ratification and Enforcement of the Administrative Agreements on the merits per Rules of Due Process and STARE DECISIS."***

5. ***"Civil Violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. § 1681 et sequentes."***

6. ***"Multiple Violations of TITLE 15 > CHAPTER 41 > SUBCHAPTER V DEBT COLLECTION PRACTICES ACT > Sec. 1692c and Sec. 1692d."***

7. ***"Civil Violations of PART B of the TRUTH IN LENDING ACT."***

8. ***"Criminal Violations of the TRUTH IN LENDING ACT for willful and knowing violation."***

While much of the State Complaint is incomprehensible, Petitioner appeared to assert three theories: 1) her mortgage is fraudulent because the Note and Deed of Trust were assigned by the original mortgage holder, which she claims improperly converted them into a check;[2] 2) her

[2] This theory is the so-called "vapor money" theory. Generally, the theory asserts that because the borrower in a mortgage transaction received no actual cash in hand, the loan was never made. The theory has no basis in law and, in fact, has been resoundingly rejected by various courts across the country as a fraudulent debt elimination scheme. *Frances Kenny Family Trust v. World Sav. Bank FSB*, No. C 04-03724 WHA, Slip Copy, 2005 WL 106792, at *5 (N.D. Cal. Jan. 19, 2005) (citing *Hinz v. Washington Mut. Home Loans*, 2004 WL 729239 (D. Minn. 2004); *Rene v. Citibank NA*, 32 D. Supp.2d 539 (E.D.N.Y. 1999); *Theil v. First Federal Sav. & Loan Ass'n of Marion*, 646 F. Supp.

(Continued on following page)

mortgage obligation was somehow relinquished due to the alleged non-disclosure to her of the fact that the Note and Deed of Trust could be assigned; and 3) Petitioner complains of alleged *ultra vires* activities of Washington Mutual.

The State Court Defendants moved to dismiss Petitioner's State Complaint for failure to state claims recognized by law and because some of the alleged claims were time-barred. Petitioner opposed that motion to dismiss. The Tennessee Circuit Court judge sent a letter to the parties on May 28, 2003, stating, in pertinent part:

> . . . . For the reasons stated below, we find that the motion submitted by counsel for the defense seeking dismissal of the action pursuant to Rule 12 of the *Rules of Civil Procedure* should be granted, and thus the motion to set for a final contested hearing must be denied.
>
> Within our consideration of the issues upon Rule 12, we are limited to the matters alleged in the complaint itself, and in our consideration of the legal issues and factual matters, we have considered only those contained within the complaint. We have recognized each of the eight causes of action asserted by the Petitioner. It is our duty to examine the complaint in detail, which we have done, closely examining the facts that are asserted therein. Though the Petitioner has stated legal grounds cognizable under the law, we are not allowed simply to recognize that a cause of action cognizable under law has been stated, unless we also examine the facts alleged

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592 (N.D. Ind. 1986); *Nixon v. Individual Head of St. Joseph Mortg. Co.*, 615 F. Supp. 898 (C.D. Ind. 1985); *In re Strickland*, 179 B.R. 979 (Bankr. N.D. Ga. 1995)).

> and determine that the facts alleged fairly state a cause of action as alleged. We have liberally construed the pleadings, however, remembering that our state only requires that the pleadings fairly provide notice of the claims asserted and the facts alleged.
>
> The Petitioner's first cause of action, for example, is . . . for breach of contract. It is well-established that the law will recognize a suit for breach of contract. In order to state a breach of contract, however, the Petitioner must allege facts which, if true, would constitute an action so recognized under law. Thus, it has been our duty to closely examine the complaint to determine whether, in fact, a cause of action for breach of contract has been stated. We fail to be able to discern the existence of such facts. Thus, though the law recognizes an action for breach of contract, it is our duty to dismiss that allegation upon our finding that the complaint does not state facts sufficient to establish that cause of action. In our consideration of the pleadings, it is our duty under Rule 12 to consider that all matters plead occurred as stated within the complaint and thus the Court must consider at this point that all matters plead are true.
>
> Similarly we have examined the allegations of fraud in the inducement and fraud generally. While both are cognizable under the law we fail to find that the pleadings establish such a cause of action. . . .

Based on these findings, the Tennessee Circuit Court granted the State Court Defendants' motion to dismiss and dismissed Petitioner's complaint with prejudice in an order entered on June 11, 2003 (the "June 11, 2003 Order"). On

July 3, 2003, Petitioner filed a notice of appeal to the Tennessee Court of Appeals.

Notwithstanding that appeal, Petitioner then filed in the Tennessee Circuit Court a "Verified Petition to Vacate a Void Judgment and Direct Attack Under Authority of 12 USC, Banks and Banking, TCA 16-10 Part 1, General Jurisdiction, Section 101, and Tennessee Rules of Civil Procedure Rules 56, 60.02.3 and 60.02.5" ("State Court Petition"). Petitioner's State Court Petition asserted that the June 11, 2003 Order was void because, Petitioner contended, the Tennessee Circuit Court "lacked subject matter jurisdiction ab initio to rule in this case, a federal matter pertaining to a fraudulent mortgage note, which should have been decided in the UNITED STATES DISTRICT COURT." The State Court Defendants filed a response in opposition to and motion to dismiss Petitioner's Verified Petition to Vacate a Void Judgment. Petitioner amended her State Court Petition to also assert that diversity jurisdiction existed and created exclusive federal court jurisdiction, and the State Court Defendants opposed that amendment as well. On December 16, 2003, the Tennessee Circuit Court entered an order granting the State Court Defendants' motion to dismiss and dismissing Petitioner's amended State Court Petition with prejudice.

Petitioner then pursued her appeal in the Tennessee Court of Appeals. In that appeal, Petitioner argued that Tennessee state courts did not have subject matter jurisdiction to hear her claims, that only federal courts could hear such claims, and that those claims had to be dismissed without prejudice for that reason. She also asserted that the Tennessee Circuit Court erred in dismissing her claims on the basis that they failed to state a claim. The Tennessee Court of Appeals issued its Judgment and

Memorandum Opinion on November 30, 2004. *See* Petition B-143-49. That Court of Appeals rejected Petitioner's jurisdictional arguments and affirmed the dismissal of Petitioner's alleged claims with prejudice. Petitioner did not seek review of the Tennessee Court of Appeals' decision in the Tennessee Supreme Court.[3] *Id.*

While the above-described litigation was ongoing, Respondent Washington Mutual pursued action against Petitioner, also in Tennessee state court, to reform the Deed of Trust related to the Property in order to cure a discrepancy in the Deed so that foreclosure of the Property could proceed.[4] *See* Petition at 10. In April 2004, the Chancery Court for Rutherford County, Tennessee, reformed the Deed of Trust and also ordered that the Deed was valid and enforceable against Petitioner. *See id.* at 10 & A-20-21. Petitioner attempted to appeal that ruling to the Tennessee Court of Appeals, but failed to submit the required bond for costs for the appeal after being ordered to do so. Consequently, her appeal was dismissed. *See id.* A-11.

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[3] The Petition states that Petitioner filed a Notice of Appeal of the Tennessee Court of Appeals' November 30, 2004 order in the Sixth Circuit Court of Appeals on December 16, 2004. Petition at 9-10. The Washington Mutual Respondents have not seen any such Notice of Appeal, have not been apprised of any case or briefing schedule related to that Notice of Appeal, and have not seen any ruling by the Sixth Circuit Court of Appeals related to that Notice of Appeal. The Washington Mutual Respondents' counsel also checked the Sixth Circuit's Docket, but could not find any such case docketed.

[4] The mortgage funds had been distributed at the closing in the name of Anita J. Vedder individually before it was known that Ms. Vedder had transferred the Property title to Anita J. Vedder as trustee of a trust regarding the Property. The title action was brought to obtain an order to reform the Deed of Trust to reflect disbursement of the funds to, and title ownership by, the correct entity. Petition B-139-40.

Petitioner then sought to "appeal" that ruling directly to the United States Court of Appeals for the Sixth Circuit. *Id.* at 10-11 & A-3-4. On September 21, 2004, the Sixth Circuit dismissed Petitioner's filing, explaining:

> This court lacks jurisdiction over this appeal. This court has jurisdiction to review all final decisions of the district courts of the United States within the Sixth Circuit. *See* 28 U.S.C. § 1291. However, no case was filed in the district court nor was a decision entered by the district court. Vedder states in the notice of appeal that this court has jurisdiction pursuant to Fed. R. App. P. 4, Fed. R. App. P. 44, and Fed. R. Cvi. P. 9(b), but those rules do not provide this court with jurisdiction to review actions by a clerk of the Chancery Court of Rutherford County in Tennessee. ***Any attempt by Vedder to seek review of the matter should either be in the Chancery Court or the state court that has authority to review Chancery Court decisions.***

Petition A-4 (emphasis added).[5] The Sixth Circuit also denied Petitioner's petition for rehearing en banc in an order entered on December 7, 2004. *See id.* A-2. Petitioner never sought review of the action to reform the Deed of

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[5] It is inconceivable that Petitioner is seeking certiorari review of this Sixth Circuit order because, as stated by the Sixth Circuit, no case or controversy ever existed in that court. An actual case or controversy must be presented via a complaint and summons for a court to address before any appeal may lie or any certiorari may be sought. U.S. Const. art. III, § 2; Fed. R. Civ. P. 3 & 4. This is an axiomatic part of the "case or controversy" requirement that must exist before a federal court may exercise jurisdiction over a matter. Petitioner never filed a complaint or summons in any federal court related to the Sixth Circuit's September 21, 2004 order. Thus, the Sixth Circuit's dismissal of Petitioner's filing is not an order from which certiorari may be sought.

Trust in either the Tennessee Chancery Court or in the Tennessee Court of Appeals, which is the state court that has authority to review Tennessee Chancery Court decisions.

In February 2005, Petitioner, still *pro se*, filed in this Supreme Court of the United States (with two other persons who are apparently from somewhere in the Eighth Circuit) an "Application to an Individual Justice, pursuant to USSC Rule 22 The Honorable, Associate Justice Clarence J. Thomas, for a Sixty (60) Day Extension of Time To File a Joint Cross-Circuit Repatriated Sovereign: Joint Petition for a Common-Law Writ of Certiorari To The United States Court of Appeals for the Eighth Circuit, et al." ("Application"). That Application lists as the "*6th Circuit Civil Respondents*" the same State Court Defendants whom Petitioner sued in Tennessee Circuit Court.

Notwithstanding her apparent intention to seek review in this Court of the Sixth Circuit's final dismissal of her filing in December 2004, Petitioner filed a complaint (the "Federal Court Complaint") in the United States District Court for the Middle District of Tennessee on March 24, 2005 (along with a demand for a temporary restraining order and injunctive relief). Petitioner filed the Federal Court Complaint in an effort to stop the foreclosure sale of her Property, which was scheduled for March 29, 2005. Petitioner's Federal Court Complaint is entitled "Repatriated Petitioner's Verified Complaint pursuant to 28 USC § 1333 and 8 USC § 1481(a)(6)." Petitioner's Federal Court Complaint names as defendants not only the State Court Defendants, but also the law firm performing the foreclosure sale (i.e., Shapiro & Kirsch, LLP) and the attorneys and employees at that law firm who were working on the foreclosure sale. Those defendants are the

same Washington Mutual Respondents named in the Petition currently pending before this Court.

Like the Petition, Petitioner's Federal Court Complaint asserts that the action is brought "In Admiralty." *See* Petition at iii. Petitioner asserts as the jurisdictional basis for her complaint "28 USC § 1331, 28 USC § 1332, and 28 USC § 1333" and 8 U.S.C. § 1481(a)(6) as well. She cites 49 U.S.C. Sections 80113 and 80116 as the basis for federal question jurisdiction, and claims that the parties are diverse and that "[t]his civil action arises under 28 USC § 1331, 28 USC § 1332, and 28 USC § 1333 as a limited action wherein a federal question, saved to suitors, exists based upon complete diversity between the parties[.]" Petitioner maintains that she "is not a resident of the corporate UNITED STATES or of the STATE OF TENNESSEE[,]" but acknowledges that she is "attempting to live peacefully and peaceably on the dirt of her land in the Republic state of Tennessee," and that she "has been a sovereign citizen of the Republic state of Tennessee since June 17, 2002. . . ."

The District Court dismissed Petitioner's Federal Court Complaint on March 30, 2005 for lack of subject matter jurisdiction. *See* Petition A-5-8 ("District Court Order").[6] The District Court, after referencing a similar

[6] The Washington Mutual Respondents, before knowing that the District Court had dismissed Petitioner's Federal Court Complaint, filed a motion to dismiss that complaint on April 5, 2005. In that motion, the Washington Mutual Respondents asserted that there was no federal question jurisdiction under 28 U.S.C. § 1331, complete diversity jurisdiction did not exist under 28 U.S.C. § 1332, there was no admiralty jurisdiction under 28 U.S.C. § 1333, no federal question jurisdiction existed under 8 U.S.C. § 1481(a)(6), and that Petitioner's claims were barred by the *res judicata* doctrine even if federal subject matter jurisdiction did exist.

action brought by Petitioner in federal court in October 2003 that also was dismissed, found that Petitioner did not state any federal question in her complaint and further found that diversity jurisdiction did not exist because Petitioner is a Tennessee citizen and, thus, is not diverse from Shapiro & Kirsch, LLP, a Tennessee limited liability partnership. The District Court Order specifically addressed Petitioner's argument that she is a "repatriated sovereign" and that such status means that there is exclusive federal court jurisdiction over her claims:

> Plaintiff claims to be a "repatriated sovereign" pursuant to 8 U.S.C. § 1481(a)(6). That statute provides that:
>
> > A person who is a national of the United States whether by birth or naturalization, shall lose his nationality by voluntarily performing any of the following acts with the intention of relinquishing United States nationality –
> >
> > (6) making in the United States a formal written renunciation of nationality in such form as may be prescribed by, and before such officer as may be designated by, the Attorney General, whenever the United States shall be in a state of war and the Attorney General shall approve such renunciation as not contrary to the interests of national defense.
>
> *Id.* Further, "[w]henever the loss of United States nationality is put in issue in any action or proceeding . . . , the burden shall be upon the person or party claiming that such loss occurred, to establish such claim by a preponderance of the evidence." 8 U.S.C. § 1481(b).

> Here, Plaintiff has sent "Notice[s] of Declaration of True Citizenship and Non-juristic Status" in late June and early July, 2002 to several federal and state officials, including President Bush and Chief Justice Rehnquist, but did not send such notice to the Attorney General or a designated officer. (Docket Entry No. 1 at Exhibit D attached thereto). Nor did Plaintiff receive acceptance of her purported renunciation of citizenship from the Attorney General. *Id.* Plaintiff has therefore not met her burden of providing her renunciation of American citizenship. As a consequence, the Court cannot accept Plaintiff's contention that she has effectively renounced her nationality and has become an independent sovereign. Accordingly, for purposes of this Order, the Court will treat Plaintiff as a Tennessee citizen.

See Petition A-5-6 n.1.

Petitioner filed a Notice of Appeal to appeal the District Court Order to the Sixth Circuit Court of Appeals on April 22, 2005. Notwithstanding the Notice of Appeal, Petitioner then filed the Petition for Writ of Certiorari in the United States Supreme Court on May 6, 2005. As noted, the Petition names as Respondents the same parties who were named as defendants in the Federal Court Complaint (other than Federal National Mortgage Association[7]) and who are now appellees regarding Petitioner's appeal of that case to the Court of Appeals for the Sixth Circuit.

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[7] Federal National Mortgage Association has never before been named as a party in any case in this matter and, it is believed, has never been served process regarding this matter.

SUMMARY OF THE ARGUMENT

The Petition for Writ of Certiorari should be denied for lack of jurisdiction over Petitioner's case. Article III of the United States Constitution and applicable case law establish that the Supreme Court is a court of limited jurisdiction. Therefore, a writ of certiorari may be granted only if the required jurisdictional grounds exist. Contrary to Petitioner's conclusory assertions, the Court does not have jurisdiction under Article III, Sections 1 and 2, 28 U.S.C. Section 1254(1), 28 U.S.C. Section 2403(a) and (b), or 28 U.S.C. Section 1333. In addition, Petitioner cannot show that jurisdiction lies under 28 U.S.C. Section 1257.

Further, a review of the considerations governing review on certiorari in Supreme Court Rule 10 confirm that the Petition must be denied. There is no conflict between United States Courts of Appeals on any of the alleged issues stated by Petitioner, and she has not alleged as much. Moreover, the Tennessee Supreme Court has not decided in this matter any federal question related to the alleged issues stated by Petitioner. Thus, there certainly is no decision by the Tennessee Supreme Court that conflicts with any other state courts of last resort or any United States court of appeals.

The Petition also must be denied because Petitioner lacks standing to seek review in the Court. Because the Petitioner cannot show injury, causation or redressability, the Petitioner does not have standing.

Finally, the Petition for Writ of Certiorari submitted by Petitioner does not conform to the requirements of Supreme Court Rule 14.

ARGUMENT

I. The Court Lacks Jurisdiction Over Petitioner's Alleged Case.

The Court lacks jurisdiction to review this matter. It is axiomatic that the Supreme Court is a court of limited jurisdiction, whose "province" is "solely" to decide cases or controversies concerning "the rights of individuals." U.S. Const. art. III; *Marbury v. Madison*, 5 U.S. 137, 170 (1803). A petitioner has the burden of establishing jurisdiction in the Supreme Court. *Durley v. Mayo*, 351 U.S. 277, 285 (1956); *McNutt v. Gen. Motors Acceptance Corp. of Ind.*, 298 U.S. 178, 189 (1936). In her "Jurisdictional Statement," Petitioner asserts several purported bases for Supreme Court jurisdiction. The Petition fails to meet the requirements of jurisdiction on all grounds.

A. The Petition Fails to Establish Jurisdiction Under Article III.

Petitioner first claims that Supreme Court jurisdiction lies under Article III, Sections 1 and 2 of the United States Constitution and 28 U.S.C. Section 1254(1). Petition at 3. Article III, Section 1 establishes the Supreme Court, gives Congress the authority to create inferior courts, and provides behavioral standards for and compensation of court judges, but that section does not establish Supreme Court jurisdiction. *See* U.S. Const. art. III, § 1. Article III, Section 2, on the other hand, grants the Supreme Court original jurisdiction over cases affecting "Ambassadors, other public Ministers and Consuls, and those in which a

State shall be Party,"[8] and further grants the Supreme Court appellate jurisdiction over all other cases that otherwise meet jurisdictional requirements, such as standing. *Id.* at § 2. As discussed below, Petitioner has not met the jurisdictional requirements to invoke review by the Court.

B. The Petition Fails to Establish Supreme Court Jurisdiction Under 28 U.S.C. § 1254(1)

For its part, 28 U.S.C. Section 1254(1) is an enabling statute under Article III, Section 2. That statute gives the Court jurisdiction to review cases from the United States Circuit Courts of Appeals. *See* 28 U.S.C. § 1254(1). Here, however, there is no case or judgment issued by the Court of Appeals for the Sixth Circuit from which an appeal to the Supreme Court would lie under Section 1254(1). In her first trip to the Sixth Circuit, Petitioner's appeal was dismissed because "no case was filed in the district court nor was a decision entered by the district court." Petition A-4. Thus, since there was no case for review before the Sixth Circuit Court of Appeals, there is no case from which any requested review would lie.

In Petitioner's next trip to federal court, she filed her Federal Court Complaint on March 24, 2005, and it was dismissed on March 30, 2005. On April 22, 2005, less than a month and a half ago, Petitioner appealed the District Court's dismissal of her Federal Court Complaint to the Sixth Circuit Court of Appeals. That case has been docketed

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[8] Petitioner has not argued that the Court may assert original jurisdiction over her case. Even if she did, though, she would be in error because this matter does not involve ambassadors or other public ministers, and no state is a party.

(and is reflected in the PACER system), but has not yet been heard, much less ruled upon. Thus, any appeal to the Supreme Court from the pending Federal Court Complaint action is not ripe for review.[9]

C. The Petition Fails to Establish Jurisdiction Under 28 U.S.C. § 2403.

Next, Petitioner posits that "there is a possibility that one or both 28 U.S.C. § 2403(a) and (b), may apply in these cases." Petition at 3. Subsection (a) of 28 U.S.C. Section 2403 allows for the United States to intervene in "any action, suit or proceeding in a court of the United States to which the United States or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any Act of Congress affecting the public interest is drawn into question." This provision gives the United States authority to intervene in suits involving a constitutional question, but does not provide jurisdiction for a claim in the Supreme Court. Subsection (b) of the statute allows for state intervention in "any action, suit, or proceeding in a court of the United States to which a State or any agency, officer, or employee thereof is not a party, wherein the constitutionality of any statute of that State affecting the public

[9] Petitioner also claims that she filed a Notice of Appeal in the Sixth Circuit on December 16, 2004, seeking to appeal from the Tennessee Court of Appeals' November 30, 2004 decision. Petition at 9-10. The Washington Mutual Respondents have received no notice of any such case or any decision. The Washington Mutual Respondents' counsel also checked the Sixth Circuit's Docket, but could not find any such case docketed. Nevertheless, even if the Notice of Appeal was filed by Petitioner, no actual case was filed in the District Court nor was any decision issued by the District Court (and no decision has been entered by the Sixth Circuit).

interest is drawn into question." 28 U.S.C. § 2403(b). These provisions obviously do not provide for the Court's jurisdiction of Petitioner's alleged claims because neither the United States nor any state is seeking to intervene in this action.

D. There Is No Jurisdiction Based On Petitioner's Alleged Repatriated Status.

Petitioner gives "notice to the Supreme Court of the United States that Petitioner has expatriated to the Republic state of Tennessee from the corporate UNITED STATES." Petition at 3. This statement is similar to those Petitioner asserted in the District Court in her Federal Court Complaint where Petitioner proclaimed to be a repatriated sovereign pursuant to 8 U.S.C. Section 1481(a)(6). However, that statute does not grant jurisdiction to the Court in this matter. The statute provides a mechanism to revoke United States nationality, but does not purport to give Petitioner, or any party, jurisdiction in the United States Supreme Court. The issue of whether Petitioner has revoked her nationality is currently on appeal to the Sixth Circuit Court of Appeals. *See* Petition at A-5-6 n.1. Accordingly, the Court cannot grant certiorari to take up the issue at this time because the Sixth Circuit has not yet heard or ruled on that issue.

E. There Is No Jurisdiction Under 28 U.S.C. § 1333.

The Petition states that Petitioner has filed this matter "***IN ADMIRALTY***." Petition at iii. However, the admiralty jurisdiction statute, 28 U.S.C. Section 1333, does not apply. To state a claim under Section 1333, a

complaint must allege an admiralty or maritime basis for the action, such as a breach of a maritime contract or a maritime tort. *The Belfast*, 74 U.S. 624, 637 (1868); *McMichael v. Falls City Towing Co.*, 199 F. Supp.2d 632, 634 (W.D. Ky. 2002). Admiralty courts may hear maritime contract disputes and tort actions in which injury occurred ***on navigable waters***, even if those claims are stated in state tort law. *Yamaha Motor Corp., U.S.A. v. Calhoun*, 516 U.S. 199, 206 (1996); *McMichael*, 199 F. Supp.2d at 634-35. Here, Petitioner's Federal Court Complaint does not allege the involvement of any maritime contract or maritime tort to properly invoke subject matter jurisdiction under that statute. Petitioner does not allege that any injury occurred on navigable waters, but alleges that she is being wrongfully dispossessed of real property. Obviously, this action has nothing to do with admiralty or maritime jurisdiction.

F. Jurisdiction Does Not Exist Under 28 U.S.C. § 1257.

Although Petitioner did not expressly assert 28 U.S.C. Section 1257 as a basis for jurisdiction, the history of the litigation in Tennessee state courts leads naturally to the issue of whether the Court could grant a writ of certiorari under that statutory jurisdiction provision. Section 1257 provides for appeals from

> [f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had . . . where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn into question on the ground of its being repugnant to the Constitution, treaties, or laws

> of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, any commission held or authority exercised under the United States.

28 U.S.C. § 1257(a).

Petitioner sued the State Court Defendants in the Tennessee Circuit Court and appealed the dismissal of her case to the Tennessee Court of Appeals. Petitioner did not challenge the validity of a treaty or statute of the United States or of a state and there was no federal question, much less an important one, present in the state court action. The Tennessee Court of Appeals issued a Judgment and Memorandum Opinion on November 30, 2004. *See* Petition B-143-49. That court ruled that Petitioner had "failed to state a claim upon which relief can be granted" and affirmed the Tennessee trial court's dismissal of Petitioner's complaint seeking, among other things, to void her defaulted mortgage. *See id.* However, Petitioner elected not to seek review in the Tennessee Supreme Court. The Tennessee Supreme Court, consequently, has not ruled on any of Petitioner's claims. Therefore, there is no final judgment from the "highest court" of Tennessee from which Petitioner can seek the Court's review. Accordingly, Section 1257 cannot serve as a basis for the Court's jurisdiction here.

II. There Is No "Compelling Reason" to Grant the Writ of Certiorari.

There is no compelling justification for the Court to hear this case. The Supreme Court Rules reinforce the special nature of proceedings before the Supreme Court and establish the substantive and procedural requirements for a

petition for writ of certiorari. Sup. Ct. Rule 10. These rules provide that a writ will be granted only for compelling reasons, and require that the Petitioner establish the Supreme Court's jurisdictional basis for hearing the case.

Supreme Court Rule 10 articulates the "Considerations Governing Review on Certiorari." Sup. Ct. Rule 10. The rule establishes that "review on a writ of certiorari is not a matter of right, but of judicial discretion," and emphasizes "a petition for writ of certiorari will be granted only for compelling reasons." *Id.* The rule gives three primary examples of such compelling reasons: (a) that a "United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power"; (b) "a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals"; and (c) "a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court. . . ." *Id.*

Petitioner's case is not compelling. First, there is no conflict between United States courts of appeals on any of the alleged issues stated by Petitioner, and she has not alleged such. Indeed, a United States Court of Appeals has not decided Petitioner's case, and therefore could not have decided it in conflict with another court.

Second, the state court of last resort has not heard the case. The Tennessee Supreme Court has not decided any issues in this matter, including any federal question related to the alleged issues stated by Petitioner. Thus, there certainly is no decision by the Tennessee Supreme Court that conflicts with any other state courts of last resort or any United States courts of appeals that the Court should address and also no decision by the Tennessee Supreme Court in this matter that presents an important federal question that should be settled by the Court.

Third, there is no important question of federal law to be decided by this case. This case is an action by Petitioner to avoid the consequences of her default on her mortgage. It is nothing more, despite Petitioner's vigorous and convoluted arguments to the contrary. Because there are no compelling reasons to grant a writ of certiorari, the Petition should be denied.

III. Petitioner Lacks Standing.

Petitioner cannot meet the requirements to establish her standing in this action. To invoke Supreme Court jurisdiction, a petitioner must have standing before the Court. *Warth v. Seldin*, 422 U.S. 490, 498 (1975). Standing involves both

> constitutional limitations on federal court jurisdiction and prudential limitations on its exercise. In both dimensions it is founded in concern about the proper- and properly limited- role of the courts in a democratic society. In its constitutional dimension, standing imports justiciability: whether the Petitioner has made out a "case or controversy" between himself and the defendant within the meaning of Art. III.

Id. Thus, at an "irreducible minimum" under Article III of the U.S. Constitution, a petitioner must establish (1) injury, (2) causality, and (3) redressability. *Valley Forge Christian Coll. v. Am. United for Separation of Church and State*, 454 U.S. 464, 472 (1982).

The injury requirement seeks to ensure that the Petitioner "personally has suffered some actual or threatened injury as a result of the putatively illegal conduct of the defendant." *Id.* Petitioner claims that "Article I courts" have harmed or injured her by "systematically [denying] Petitioner's repatriated status as a sovereign." Petition at 4. Basically, Petitioner claims that via this denial, the "Article I courts" "continue to unlawfully affirm and treat her as a ***'res-ident' of the corporate STATE OF TENNESSEE,*** denying reclamation of Petitioner's" rights, which Petitioner believes allows her to avoid what she alleges to be a fraudulent loan. Petition at 8 (emphasis in original). However, Petitioner did not meet her burden of proving compliance with 8 U.S.C. Section 1481(a)(6) in the District Court (an issue now presumably within her appeal to the Sixth Circuit Court of Appeals). But even if Petitioner could show that she met the requirements of the statute, expatriation only provides a mechanism to renounce United States nationality, it does not turn a person into an independent sovereign exempt from their contractual – including mortgage – obligations. Moreover, Petitioner cannot be injured by invoking the very judicial processes she hoped would allow her to avoid her mortgage. She filed suit against the State Court Defendants and only when a result issued that she did not like did she start to argue that her expatriation voided that adverse judgment, because the state court lacked jurisdiction. In sum, Petitioner has not alleged any cognizable injury by the fact

that she was allowed to sue the State Court Defendants in state court.

The causality requirement of standing asks that Petitioner's injury "fairly [] be traced to the challenged action." *Valley Forge,* 454 U.S. at 473. Here, Petitioner's lower court proceedings involve allegations of a fraudulent mortgage that Petitioner seeks to void while Petitioner's Petition for Writ of Certiorari makes allegations against the "Article I courts." *See* Petition at 4. Indeed, Petitioner spends the majority of her Petition detailing the actions and judgments of these "Article I courts." Thus, even if the Court could set aside the fact that Petitioner has not been injured, it certainly cannot ignore that the Petitioner alleges that her injury was caused not by the alleged actions of Respondents, but generally by "Article I courts."

Finally, Petitioner's purported injury must be "likely to be redressed by a favorable decision." *Valley Forge*, 454 U.S. at 473. Here, Petitioner seems to desire not only that she not have to pay back the fraudulent loan, but because she never saw "***a single penny, nickel, dime or quarter,*** much less the $97,600.00," she should get to keep the Property. Petition at 9 (emphasis in original). Petitioner's claims, however, have been finally addressed by the Tennessee Circuit Court and Tennessee Court of Appeals under Tennessee state property law. Thus, even if Petitioner were to receive a favorable ruling related to her claims of expatriation, Petitioner's underlying claims related to her mortgage cannot be redressed by any decision of this Court. The redress requirement, therefore, is also lacking.

IV. The Petition Should Be Dismissed Because Petitioner Has Not Followed The Requirements of Supreme Court Rule 14.

The Petitioner failed to follow the substantive and formal requirements of Supreme Court Rule 14. Supreme Court Rule 14, "Content of a Petition for a Writ of Certiorari," establishes eight substantive and formal requirements for a petition for writ of certiorari. One requirement is that the Petitioner establish Supreme Court jurisdiction. In order to do this, Petitioner must assert a "concise statement of the basis for jurisdiction in this Court, showing: (i) the date the judgment or order sought to be reviewed was entered . . . ; (ii) the date of any order respecting rehearing . . . ; (iii) express reliance on Rule 12.5 . . . ; (iv) the statutory provision believed to confer this Court jurisdiction to review on a writ of certiorari the judgment or order in question; and (v) if applicable, a statement" that proper notifications have been made. Sup. Ct. Rule 14. Further, Rule 14 proves that "a petition for a writ of certiorari should be stated briefly and in plain terms," and "the failure of a petitioner to present with accuracy, brevity, and clarity whatever is essential to ready and adequate understanding of the points requiring consideration is sufficient reason for the Court to deny a petition." *Id.*

The Petition does not follow the requirements of Rule 14. The Petition does not reference any judgment on appeal and cites several statutes that do not provide jurisdiction. In addition, the Petition presents such unusual, unorthodox, and often confusing arguments that Petitioner fails to present accurately and clearly the reasons for the Court's jurisdiction. As a result, the Court should dismiss the Petition.

CONCLUSION

The Court must deny the Petition for a Writ of Certiorari because the Supreme Court lacks jurisdiction to hear the case and Petitioner lacks standing. The Petition also should be denied because it fails to comply with the requirements of Supreme Court Rule 14. The Washington Mutual Respondents, therefore, respectfully request that the Petition be denied.

Respectfully submitted,

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